

CR15-00707-PHX-SRB

ALI SOOFI

3-2-16

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR15-00707-PHX-SRB
vs.)	Phoenix, Arizona
)	March 2, 2016
Abdul Malik Abdul Kareem,)	
)	
Defendant.)	
)	
)	

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #10
TESTIMONY: ALI SOOFI

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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record, spelling your first and last name.

THE WITNESS: My name is Ali Hamid Soofi. First name A-L-I. Last name S-O-O-F-I. Hamid. H-A-M-I-D.

THE COURT: You may proceed, Ms. Brook.

MS. BROOK: Thank you.

ALI HAMID SOOFI, WITNESS, SWORN

DIRECT EXAMINATION

BY MS. BROOK:

Q Good morning.

A Good morning.

Q And there's some water there in front of you.

If you want to take the mic and move that up close to you so that it's almost right in front of your mouth, that way everybody will be able to hear you.

What's your name?

A My name is Ali Soofi.

Q And, Mr. Soofi, how old are you?

A I'm 33.

Q What state do you live in?

A I live in Texas right now.

Q And who is it that you live with?

A My mom.

Q Don't tell us the name of the place that you work for, but

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1 generally, what do you do for a living?

2 A I work on a tree farm.

3 Q And what do you do at the tree farm?

4 A I'm a chem tech and a plant health supervisor.

5 Q Was there a time that you lived here in Phoenix?

6 A Yes. I previously lived in Phoenix in 2005, 2010, and
7 2014.

8 Q And in 2014, who did you live here in Phoenix with?

9 A With my brother Nadir Soofi.

10 Q So Nadir Soofi, is he your -- was he your older brother or
11 younger brother?

12 A He was older.

13 Q How much older?

14 A Sorry.

15 About a year-and-a-half.

16 I'm sorry.

17 Q And there's water right there if you want to take a sip.

18 I want to go back to 2014, the time that you moved
19 back to Phoenix the last time, you mentioned that you moved in
20 with your brother.

21 And where was it that you lived with him?

22 A We lived in a one-bedroom apartment off of Thunderbird.

23 Q Do you remember when it was that you moved in with him?

24 A It was the beginning of February 2014.

25 Q And when you moved in with your brother in February of

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1 2014, was it just the two of you or did somebody else live
2 there too?

3 A He had had Elton Simpson living with him at the time when
4 I moved in.

5 Q Elton Simpson, what did you refer to him as?

6 A Ibrahim.

7 Q So you, your brother, and Ibrahim were living together in
8 this one-bedroom apartment.

9 I want to take a second and have you describe for us
10 what the apartment looked like. You mentioned it was one
11 bedroom. Who lived in the one bedroom?

12 A My brother Nadir, Ibrahim, and I.

13 Q Okay. So who got the -- was it -- that was a bad question
14 on my part.

15 Who got the one individual bedroom itself? Who slept
16 in there?

17 A My brother occupied that bedroom the majority of the time.

18 Q And where did you sleep?

19 A I slept on the couch.

20 Q Ibrahim, where did he sleep?

21 A He slept on the couch as well. It was an L-shaped
22 sectional, so we would share.

23 Q So where on the L-shaped sectional would you sleep?

24 A The one closest -- the side that was closest to the door.

25 Q And where would Ibrahim sleep?

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1 A He would sleep on the other side that was closest to the
2 sliding door to go outside.

3 Q I'm going to place on the overhead what has already been
4 admitted as Government's Exhibit 393 and move to publish.

5 There's a screen in front of you. Do you recognize
6 that room?

7 A Yes.

8 Q And what is that?

9 A That's the living room of our apartment.

10 Q Do you see that L-shaped couch that you were talking
11 about?

12 A Yes.

13 Q And can you -- if you just touch the screen, point to the
14 area where you would sleep.

15 A Right here. (Indicating)

16 He would occupy this area right here.

17 Q You or Ibrahim?

18 A Ibrahim would sleep right there. I would sleep right
19 here. (Indicating)

20 Q Okay.

21 A So our feet would kind of meet in the middle almost.

22 Q So you would sleep on the side of the couch that was
23 closest in this picture to the fan?

24 A Yes.

25 Q That room itself, do you see a TV in there?

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1 A Yes.

2 Q And is that the TV that was in the apartment when you were
3 living there?

4 A Yes.

5 Q The way that the apartment looks and how it's decorated,
6 was that how it looked when you lived there?

7 A Yes.

8 Q You mentioned that you moved in with your brother and
9 Ibrahim in February of 2014. When did you move out?

10 A It was April of 2015, about a month before what had
11 happened with my brother.

12 Q So the early part of April?

13 A Yes.

14 Q I want to talk about Ibrahim.

15 How is it that you first met him?

16 A Back in 2010 we owned a pizza establishment on Northern
17 and he would frequently come and visit because my brother was
18 attending the mosque down the road from there.

19 And once he had started going to the mosque, Ibrahim
20 would start showing up and praying with my brother at the
21 pizza shop. And, I mean, that's the general -- generally, how
22 I met him was, you know, through the mosque and through the
23 pizza place.

24 Q So you mentioned that you owned a pizza place back in
25 2010. Who did you own it with?

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1 A My brother and I owned the shop.

2 Q And after you first met him, did you continue to see
3 Ibrahim over time?

4 A Yes.

5 Q At some point did you meet Abdul Malik Abdul Kareem?

6 A Yes. That was in -- when I moved back in 2014, it was
7 probably, I want to say, halfway through the time that I had
8 been in Phoenix I had met him.

9 Q Okay. And how did you meet him?

10 A Through mutual friends of my brother in the mosque. We
11 all were running a carpet cleaning business. And I had -- I
12 first met him at the mosque.

13 Q So you first met Malik at the mosque.

14 You had mentioned that you at some point owned a
15 carpet cleaning business. What happened to the pizza
16 business?

17 A It had gone under because my brother was aimed more
18 towards serving the Muslim community rather than the community
19 that was surrounding our business, so the business -- the
20 whole idea didn't work, so it went under.

21 Q At some point you opened a carpet cleaning business
22 instead?

23 A Yes.

24 Q And was that with your brother too?

25 A Yes.

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1 Q I want to talk about February of 2014 through April of
2 2015 and the time that you lived there in the 19th Avenue
3 apartment with Ibrahim and your brother.

4 How often did you see Malik at the apartment?

5 A At first it was on occasion, but as time progressed he was
6 there more often.

7 Q Describe what you mean as "there more often." How
8 frequently?

9 A I would say it went from maybe once or twice a week to
10 three to four times a week.

11 Q And when Malik was at the apartment, were there ever times
12 that he would sleep over?

13 A Yes.

14 Q How often would that happen?

15 A Just like at the start it was, you know, here and there.
16 It was every once in a while. But, I mean, towards the end it
17 was more often. I would say maybe three times a week or more.

18 Q Okay. Who was Malik closest to in the house?

19 A Ibrahim.

20 Q And were there any other people other than Malik who came
21 to the house as much as he did?

22 A There was another man named AK. He would occasionally
23 come to the house but not as much. He was more -- he had a
24 larger family, so he would spend more time, you know, with the
25 family but he would on occasion come over.

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1 Q So was there any other visitor who was there as much as
2 Malik?

3 A No.

4 Q When Malik was in the house, you had mentioned three to
5 four times a week towards the end, were you at times also
6 there in the house with them?

7 A Yes.

8 Q And who was he in the house with when he would be there?

9 A It would be myself, my brother Nadir, and Ibrahim.

10 Q During those 13 months that you were there in the
11 apartment, did Malik express any support for any terrorist
12 organization?

13 A Yes.

14 Q What did he say?

15 A The general topic between my brother Nadir, Ibrahim, and
16 Malik is from the videos that I observed, the daily
17 activities, I wasn't, you know, educated to what was exactly
18 going on but over time I came to understand that it was
19 ISIS-based.

20 Q Okay.

21 A That was the basic -- the basic idea of everything that
22 was being watched and all the literature that was being read
23 and listened to was -- it was more the militant, more
24 ISIS-side of, you know, Islam.

25 Q Did you hear Malik talk about ISIS?

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1 A On occasion with Ibrahim, the conversations they had with
2 the Twitter account that he had that he would tweet after
3 watching videos of, you know, ISIS members driving around with
4 their flags and guns, usually Ibrahim would tweet something.

5 And then they would both be sitting on the couch and
6 they would discuss, you know, the general idea of, you know,
7 what was going on in the video and the text that was being
8 sent.

9 Q Did your brother Nadir also support ISIS?

10 A Yes. Towards -- not in the beginning. My brother was a
11 very -- I mean, you could say he was, you know, a really kind
12 person like I am. But I mean he was very gullable. He was
13 very easily influenced by people.

14 My family and I are not very religious with the whole
15 Islam and with everything, so my brother always, you know, was
16 trying to find somebody that, you know, would cater that for
17 him, would, you know, take him in.

18 Q Over time, over those 13 months, did you see Malik and
19 Ibrahim and your brother become more intense in their support
20 for ISIS?

21 MR. MAYNARD: Objection, Your Honor. Leading.

22 THE COURT: Sustained.

23 BY MS. BROOK:

24 Q Did your brother, Ibrahim, and Malik express the same
25 amount of support during the whole time that you were living

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1 there or did it change?

2 A It increasingly -- at the start I hadn't noticed anything.
3 But increasingly during the time that I was there, it had got
4 worse to the point where I would have to leave at times
5 because I felt unsafe at the apartment.

6 Q And those times when you felt you would need to leave, who
7 was in the house?

8 A It was Ibrahim, my brother Nadir, and Malik was in the
9 house.

10 Q Do you remember a time period in particular when the
11 intensity changed?

12 A It was close to around May or June time. I mean, closer
13 to halfway through, you know, the halfway point when I was
14 there, it had got to the point where, you know, I had actually
15 thought even -- like I couldn't stay there because it was just
16 constantly -- that was the constant talk, you know, that was
17 in the apartment.

18 Q And that constant talk, who were the people that were
19 constantly talking about ISIS?

20 A The majority of the time it was Ibrahim and my brother
21 and -- but then when Malik would join them as well, the times
22 that he would stay over, that's when they all three of them
23 would get together and speak on the subject.

24 Q I want to talk specifically about the videos that you
25 mentioned.

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1 What videos did you see?

2 A I mean, from what I understand, ISIS recruitment videos to
3 glorify, you know, what they're doing, what they're trying to
4 accomplish. Basically, guys driving around in trucks with
5 black flags with white writing and two swords crossing,
6 shooting guns, basically, down-talking, you know, America.

7 And also the execution videos that they had shown for
8 people, nonbelievers that didn't believe the same militant
9 side of Islam that they did.

10 Q How did you come to understand that those videos were
11 about the glorification of ISIS?

12 A Through my brother.

13 Q And I want to talk about where it was you saw those
14 videos. Let's talk first about the videos that you mentioned
15 with the men driving around in trucks.

16 You mentioned them. What color were they wearing?
17 The men in the trucks?

18 A They were covered in black. Black clothing.

19 Q And did you see any flags?

20 A There was a black flag with white Arabic writing with two
21 swords crossing.

22 Q Where was it that you -- and in that particular video, did
23 you see that or something like it once or more than once?

24 A It was almost on a daily basis after the end of May/June
25 time, it was constantly playing.

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1 Q And that's end of May/June time of 2014?

2 A '14. Yes.

3 Q Where was it that those videos were playing?

4 A On the main TV screen. We only had one TV in the
5 apartment. Nobody really watched television, so I mean that
6 was the only source of, you know, entertainment that we had.

7 Q And the screen, do you see it here in this picture?

8 A Yes.

9 Q Can you circle it?

10 A Right there. (Indicating)

11 Q When those videos would play, was there a volume on them?

12 A Yes. We had a surround-sound set up to the TV, so it was
13 actually pretty loud. There were times our upstairs neighbors
14 would complain. We actually had a couple complaints about
15 noise levels from our apartment.

16 Q When those videos were playing, was Malik there?

17 A Yes.

18 Q And where would he be when those videos were playing?

19 A There was a variety of places. If we were not cooking,
20 everybody would be sitting on this couch. And Ibrahim would
21 always sit, you know, right here with his belongings.

22 (Indicating) He always had his belongings right next to him
23 on that couch.

24 Then Malik would usually sit like towards the middle
25 area. And I would always be in the corner here in this area.

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1 (Indicating) And my brother was always -- Nadir was always in
2 the main computer chair, like controlling what was being
3 watched.

4 Q And during the times that Malik was sitting where you
5 circled there in the middle where the L comes together, was he
6 watching the videos or something else?

7 A Everybody in that room was watching videos that was
8 present, yes.

9 Q And did he ever say anything when those videos were
10 playing?

11 A I mean, a lot of what I can remember is a lot of what was
12 said was that, you know, that people need to learn their
13 lesson. That nonbelievers, you know, will basically learn
14 their place in this world in the end.

15 Q You also spoke about seeing an execution video.

16 Where was it that you saw that video play?

17 A In this -- off the same TV in the living room.

18 Q Describe for us what you saw when you watched that
19 execution video.

20 A Basically, the video was set up to -- there was a line of
21 guys in black clothing with a row of guys in orange clothing
22 kneeling head-down in front. And, basically, they -- the main
23 guy would have a knife out and he would speak something in
24 Arabic and then he would start to cut and saw at the back of
25 the guy's neck until his head was completely cut off.

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1 Q When that video was playing, was Malik there?

2 A Yes.

3 Q And where was he when that video was playing?

4 A The same area that I had circled previously.

5 Q So there on the couch?

6 A Yes.

7 Q Was he watching the video or something else?

8 A Everybody in that room was watching the video.

9 Q And, again, when that video was playing, did he say
10 anything?

11 A I mean not really. Just from what I could observe from
12 everybody's faces, it was more of a look of like, like almost
13 like pleased or excited, almost like an excited look,
14 especially from Ibrahim. He just always had that look of like
15 being pleased with, you know, these videos of violence.

16 Q How did Malik look?

17 A I would say exactly the same as my brother and Ibrahim
18 looked. I mean, the look of being pleased, you know, that
19 they're accomplishing what they're trying to accomplish. I
20 mean it's --

21 Q Did anybody ever try to talk you into supporting ISIS?

22 A At first it started out as trying to get me to convert
23 back to Islam, to pray five times a day, to, you know, to pull
24 me back into Islam.

25 But, I mean, I think towards the middle I think my

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1 brother -- it changed up from, you know, more of the calm
2 approach, the kind approach, to, you know, either you follow
3 this way or, you know, people like you are killed. People
4 that are born Muslim and that do everything that you are doing
5 against the religion, I mean, usually people like that are
6 killed.

7 Q Did Malik ever talk about people like you being killed?

8 A Yes. He had mentioned to me a couple times about the
9 kafirs, nonbelievers, people that -- you know, that don't
10 believe in the same, you know, area that they believe in in
11 Islam.

12 So I mean there's different -- you know, I guess the
13 normal -- a normal Muslim person, their definition of a kafir
14 is just somebody that's a nonbeliever. But to somebody with
15 more of a militant side of Islam is going to be, you know,
16 these people should be killed.

17 Q Do you recall where you were when Malik said those things
18 to you?

19 A I was in the living room and Ibrahim and Malik were
20 present. My brother had actually come out to me before that
21 and spoke with me about having relations with girls outside of
22 wedlock and other things that I was doing that were looked
23 down upon.

24 So in general I was an outcast in that group of -- at
25 the apartment. So every time I would go back to the

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1 apartment, I would feel like someone had been working on my
2 brother, someone had been pushing him in a direction where
3 they turned him against me.

4 I didn't feel safe at that apartment myself. I mean,
5 just in general, because I think just the general vibe I got
6 off of everybody in the apartment.

7 Q I want to talk about the tweets that you mentioned.

8 Who in the apartment used Twitter?

9 A Ibrahim was the only one that had a Twitter account in
10 there.

11 Q Did your brother have a Twitter account?

12 A No. He had a Facebook account.

13 Q How -- well, did you ever see Ibrahim use his Twitter
14 account?

15 A Yes. There was -- on occasion I would come back from my
16 hikes and he was on the main TV screen tweeting at the time.
17 And within that -- you would have the profile picture of the
18 guy that you were tweeting with.

19 Q So how is it that you could see the tweets on the computer
20 screen? How was this set up so that you could see that?

21 A I mean, as soon as you walk in the apartment, the door is
22 like, you know, right here in this area. (Indicating)

23 So as soon as you walk in, you have a dead, you know,
24 shot of the screen. And then usually when I would come in, I
25 would sit down. And, you know, I would go on like a 20,

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1 30-mile marathon runs, so by the time I would come back, I
2 wanted to relax and I would, you know, unwind right here.

3 (Brief interruption)

4 MS. BROOK: I think it's the video screen.

5 BY MS. BROOK:

6 Q So you said you would come into the living room?

7 A Yes.

8 Q Let's talk for a second about the living room. As we look
9 at this picture here, is there a table there?

10 A Yes. There's a -- we had actually built that. It was a
11 plexiglas piece of equipment we had built for a cleaning
12 service, but it was built wrong, so we used it as a table.

13 Q Can you explain for us, roughly, how big is this room that
14 we're looking at?

15 So if you're sitting on the couch, what's the
16 distance to that TV screen?

17 A From the couch to the TV is probably like nine feet from
18 where I would sit to the TV screen.

19 Q And you mentioned seeing Ibrahim on Twitter on the
20 computer screen.

21 Who was it, if you know, that he was tweeting with
22 and you could see on the computer screen?

23 A It was an African-American man. He had a beard. And from
24 what I know, he was from Minnesota. And that's the gist of it
25 that I would know.

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1 Q And were there times that he was tweeting with that man
2 when Malik was also in the house?

3 A Yes. Ibrahim was constantly tweeting with this -- with
4 this -- I'm not sure what his name is, but with the guy, the
5 African-American man on the Twitter account.

6 Q And were there times when Malik was in the house?

7 A Yes.

8 Q Where would Malik usually sit or be when Ibrahim was
9 tweeting with that person?

10 A I mean, they're usually sitting right next to each other
11 in the same spots as always, the same spots in the middle, and
12 Ibrahim was always on that corner.

13 Q And when Ibrahim was tweeting with that man, was Malik
14 watching and engaged or doing something else?

15 A He was engaged at times because I -- when he would tweet,
16 Ibrahim would always lean over and show what he was tweeting.
17 And there would almost be a discussion about what he was
18 tweeting.

19 He would also do the same thing with my brother as
20 well. You know, watch a specific video and then tweet
21 something about it and go back and, you know, he would show,
22 you know, each one of them.

23 Q Were there times that he was tweeting just on his phone
24 and then other times tweeting where you could see it on the
25 computer or the TV screen there?

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1 A Yes.

2 Q I want to place on the overhead government's admitted
3 Exhibit No. 497.

4 Do you recognize that man?

5 A That's the picture from the profile pic of the Twitter
6 account that he was tweeting with.

7 Q And was that the man that you were talking about before
8 from Minnesota who Ibrahim was tweeting with when Malik was
9 there?

10 A Yes.

11 Q Did you ever hear the name Abu Bakr al-Baghdadi in the
12 house?

13 A Yes. On occasion I did, yes.

14 Q And did you ever hear Malik talk about Abu Bakr
15 al-Baghdadi?

16 A A couple of times, but not as much as my brother and
17 Ibrahim. They were constantly, you know, playing his lectures
18 and reading his literature, basically.

19 Q What was the nature of how your brother and Ibrahim and
20 Malik would act when talking about Abu Bakr?

21 A From my knowledge, they looked to him as a -- you know,
22 someone for knowledge, someone as almost like a -- you know,
23 someone you look up to for, you know, the next -- your next,
24 you know, move in life or, you know, what direction you're
25 going to go.

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1 Q And Malik too, did he express the same feelings?

2 A I can't really remember exactly what he had said about
3 that man.

4 Q Did you hear the word "khalif" mentioned?

5 A Yes.

6 Q And who would talk about the khalif?

7 A It was a general discussion between the three of them
8 through my brother, Ibrahim, and Malik.

9 Q Did you ever here anyone talk about selling their things
10 and moving away?

11 A Yes. There was one day after the mosque my brother and I
12 were going back to the car and we had ran into Malik and he
13 was talking about selling everything to move overseas to start
14 a consulting company.

15 Q I want to talk about the Charlie Hebdo attack.

16 Did you ever see anything about the attack on the
17 Charlie Hebdo magazine when you were in the house?

18 A Yes. They had a -- pulled up the news feed online, the
19 different feeds that they had about the attack, those were
20 pulled up at the house.

21 Q Who is "they"?

22 A Between my brother, Ibrahim, and Malik.

23 Q Describe how your brother and Ibrahim and Malik acted when
24 they watched the news feed about the Charlie Hebdo attack?

25 A It was almost a look of like being pleased, excited, that

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1 they had got their message across, they had accomplished, you
2 know, something, you know, got some sort of message across.

3 Q Did all three of them look pleased?

4 A Yes.

5 Q Would anybody in the house talk about the end of times?

6 A I mean, that was a constant discussion.

7 I mean, towards the end, I mean -- I mean, towards
8 the end when my brother started acting more radical, it was a
9 constant discussion of the different prophecies that have
10 occurred already. The constant worry of, you know, just in
11 general, the different prophecies that have been foretold are
12 happening. So they said it's a matter of time, you know.

13 Q Who said that?

14 A My brother.

15 Q Who all would talk about the end of times?

16 A It was a general discussion in my house between my
17 brother, Abdul Malik, and Ibrahim.

18 I mean, I think that was more the general subject
19 that was talked about a lot because they -- it's almost like
20 after that started, they started secluding themselves to that
21 apartment.

22 And my brother was almost, you know -- and Ibrahim
23 were afraid to leave the apartment almost towards the end.
24 They felt like, you know, they were going to be killed or
25 something and that they needed to arm themselves and, you

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1 know, protect themselves from anybody that were killing
2 Muslims.

3 Q I want to talk about what you were doing for work in 2014
4 and 2015. We've talked about the pizza shop. You mentioned
5 at some point you opened a carpet cleaning business.

6 When you first moved in with your brother, what were
7 you doing for work?

8 A My brother was working for Kiwi Cleaning Services. I had
9 joined him just to make, you know, something so I could send
10 money back to my kids in Salt Lake City. But we were doing
11 contract work for a cleaning company, so we would go out and
12 they would send us so many contracts and we would get paid a
13 percentage of each job.

14 Q So you and your brother when you first moved in were
15 working for Kiwi Carpet Cleaning?

16 A My brother was existing -- already had been working for
17 them. I had just joined him. I wasn't employed by the
18 company but I was just helping my brother to make some sort of
19 money.

20 Q Was there a point when you started to do something else?

21 A Yes. Once -- so when we branched off from Kiwi and
22 started our own carpet cleaning business, and within that time
23 my brother just -- he completely changed who he was. I mean,
24 he wasn't the same person. He didn't care about money
25 anymore. He just --

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1 Q I want to talk about the transition.

2 So you were working for Kiwi and then you started
3 your own carpet cleaning business. You said "we." Who was it
4 that was doing the carpet cleaning business?

5 A My brother Nadir and I.

6 Q And do you remember what time of year it was when you
7 started your own carpet cleaning business?

8 A We branched off in January of 2015.

9 Q And before that point you had been with Kiwi?

10 A Yes.

11 Q When you started your own business there in January of
12 2015, was it successful? Were you making money?

13 A Not really. We had jumped out and started a brand new
14 business, brand new name.

15 My brother was in charge of advertising on the
16 business side and I was more of the hands-on. I would do all
17 the labor side of work.

18 At first he was, you know, committed to the job. But
19 I think slowly over the influence of people that he just
20 dropped off completely and let the business go under.

21 Q After you paid your bills, did you have extra money?

22 A No. We barely had enough money to eat.

23 Q And was that throughout, so January --

24 A It was --

25 Q -- did that continue after January?

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ALI SOOFI

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1 A It was the whole time that I was there. I mean the only
2 reason we survived was because my dad helped us. Without my
3 dad, I mean, we would have been homeless pretty much.

4 Q To help you pay for food?

5 A For food and rent and for, you know, business supplies and
6 stuff like that.

7 Q At some point -- well, let me take a second.

8 During that time what was Ibrahim doing for work?

9 A He was working parttime for a man named Saabir at a dental
10 practice. He would work there parttime.

11 Q And throughout the time that you were living there, so
12 over those 13, 14 months, was he working parttime consistently
13 throughout that period.

14 A I mean at first it was consistent. But after a couple of
15 months, he was only working a couple of days here and there.
16 But mostly the majority of the time he was at the apartment
17 with my brother.

18 Q At some point did you learn that Ibrahim had a new weapon?

19 A Yes. He was actually very excited about it. The day that
20 he had got it, he had brought it back and shown all of us, my
21 brother and I at the apartment.

22 Q Can you describe what it looked like?

23 A It was a more compact stock snubnose AK.

24 Q And you said he showed all of us what it looked like.

25 Who was there?

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1 A My brother and I were at the apartment. That's when
2 Ibrahim and Malik came to the apartment.

3 Q Did you come to learn who had purchased it?

4 A Yes. Through the conversation, yes, I learned.

5 Q What did you learn?

6 A That Malik had supplied the money for his weapon because
7 their -- with finance-wise, between the three of us living,
8 between Ibrahim, myself, and my brother, I mean, there was no
9 money there.

10 Q When was it that Ibrahim came home with this snubnose
11 rifle?

12 A It was about four months -- around four months after I had
13 moved in.

14 MS. BROOK: I want to take a second. May I have a
15 moment?

16 THE COURT: Yes.

17 MS. BROOK: May we approach -- actually, Special
18 Agent Whitson is going to approach to show the witness the
19 weapon.

20 THE COURT: Yes.

21 MS. BROOK: And, again, this is a weapon that's been
22 made safe.

23 BY MS. BROOK:

24 Q And for the record, this is Exhibit No. 10. I want you to
25 take a look at that. Do you recognize that weapon?

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1 A Yes. That is Ibrahim's -- the snubnose that I was talking
2 about.

3 Q The same one that you learned Malik had paid for?

4 A Yes.

5 THE COURT: Ms. Brook, we're going to take our
6 morning break.

7 Ladies and gentlemen, we'll take our 15-minute break.
8 We'll reconvene at 20 minutes to 11:00.

9 You are reminded of the admonition not to discuss the
10 case or form any conclusions about it until you have heard all
11 the evidence and begun your deliberations.

12 Court is in recess.

13 (Recess taken at 10:22 a.m.; resumed at 10:41 a.m.)

14 THE COURT: Thank you. Please sit down. The record
15 will show the presence of the jury, counsel, and the
16 defendant.

17 Ms. Brook, you may continue.

18 MS. BROOK: Thank you, Your Honor.

19 And if you want to get situated again with that mic
20 right there just so we can all hear you.

21 BY MS. BROOK:

22 Q The day after your brother was killed, did you interview
23 with the FBI?

24 A Yes.

25 Q And how did you feel?

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1 A I was completely torn apart. And, also, I mean, you know,
2 in the same sense I kind of had the -- that fear and also for
3 that kind of scare in the same sense because of, you know,
4 what had happened to my brother and the people that were
5 involved with my brother, you know, were still, you know, out
6 and about.

7 So I mean -- in general I was just completely
8 destroyed and scared.

9 Q Did those feelings affect your interview with the FBI?

10 MR. MAYNARD: Objection. Leading.

11 THE COURT: Overruled. You may answer "yes" or "no."

12 THE WITNESS: Yes.

13 BY MS. BROOK:

14 Q Did you tell the FBI everything you knew when you
15 interviewed with them?

16 A It was bits and pieces. I was broken up. I mean, the day
17 that I -- it was the day after my brother died. I mean --

18 Q Initially, did you tell the FBI about Malik?

19 A No. No, I didn't. No.

20 Q Did you deliberately not tell them about Malik?

21 A Yes.

22 Q Why?

23 A I mean, just from my -- you know, generally meeting
24 somebody, you know, the vibe you get off people and the
25 general actions of somebody, you can tell, you know, how

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1 violent a person is over what they're capable of.

2 I mean just from stories that I have heard, instances
3 that he was involved in, just the general, you know, the
4 feeling of the person. You know that you just feel that -- I
5 mean, you know, they're capable of more, you know, I mean, if
6 provoked.

7 Q Eventually, did you tell the FBI what you knew about
8 Malik?

9 A Yes. It was after I had gone for my brother's funeral and
10 I was interviewed again in Kansas.

11 Q I want to talk about other weapons. At some point did
12 your brother come home with an AK-style weapon?

13 A Yes. He had come home with a full body AK.

14 Q Do you remember when that was?

15 A It was about four months before the incident.

16 Q So roughly around January?

17 A Around January time, yes.

18 Q And when he brought it home, did you learn who had bought
19 it?

20 A Yes.

21 Q What did you learn?

22 A My brother had told me he had borrowed the money from
23 Malik to buy the rifle because, I mean, there was no other
24 source of income.

25 Q Did you learn how much it cost?

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1 A Yes.

2 Q And when your brother told you that he had got the money
3 from Malik, where was Malik?

4 A He was at the apartment with us.

5 Q During that conversation?

6 A Yes.

7 Q I'm going to have Agent Whitson approach and show you
8 Exhibit No. 7. Again, this weapon has been made safe.

9 Did you get a chance to look?

10 Okay.

11 Do you recognize that weapon?

12 A Yes. That was my brother's.

13 Q Is that the same weapon that we were talking about a
14 moment ago that your brother told you while Malik was standing
15 there that he had purchased -- "he" being Malik -- had
16 purchased for your brother?

17 MR. MAYNARD: Objection to the form of the question.

18 THE COURT: Sustained.

19 BY MS. BROOK:

20 Q Is that the same weapon we were talking about a moment
21 ago?

22 A Yes.

23 Q And is that the same weapon that you had learned somebody
24 other than your brother purchased?

25 MR. MAYNARD: Objection to the form of the question

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1 and asked and answered.

2 THE COURT: Sustained.

3 BY MS. BROOK:

4 Q Who purchased that weapon?

5 A Abdul Malik and my brother had purchased it.

6 Q You had mentioned money.

7 How much did you come to learn that that weapon cost?

8 A I'm sorry?

9 Q How much was that weapon, do you know?

10 A It was \$700.

11 Q And how did you learn that?

12 A My brother had told me the day he got it how much it had
13 cost because, I mean, we didn't -- you know, we didn't have
14 money let alone to survive, so I was like, you know, how did
15 you come to acquire this weapon.

16 And, you know, that's when he had come out and said,
17 well, you know, I had borrowed the money from Malik to get it
18 and I'm going to pay him back.

19 Q And was this that conversation where Malik was standing
20 there?

21 A Yes. He was in the same room, yes.

22 Q Did you ever see Malik with the two weapons that we've
23 shown you here again in the apartment?

24 A Yes.

25 Q And what did you see him do with those weapons in the

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1 apartment?

2 A At first it was, you know, the general excitement that
3 they had got new weapons and they were passing them around
4 looking at them. There was a time also where they had sat
5 down and cleaned the weapons after they had gone shooting in
6 the desert.

7 Q Who is "they"?

8 A Well, there was two occasions they had gone shooting. One
9 was -- the first time was Ibrahim, my brother, Malik, and they
10 said they were going to pick up AK along the way.

11 Q And where were they going, the three of them, when they
12 left the house?

13 A They were going out to the -- towards Sedona to the
14 desert.

15 Q Was this with the weapon that we just looked at a moment
16 ago, the one that you recognized of your brother's?

17 A Yes. It was with both. Both weapons.

18 Q Were there any other times that you heard your brother,
19 Ibrahim, and Malik plan to go shooting?

20 A Not other than the two times that I just mentioned.

21 Q Did you see Malik touch or do anything with those weapons
22 inside the apartment?

23 A Yes. He had handled both weapons, the initial, when they
24 were initially bought and when they were cleaning them as
25 well.

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1 Q Who was cleaning the weapons?

2 A All three of them were sitting -- between Ibrahim, Abdul
3 Malik, and my brother, they were all sitting in this general
4 area. (Indicating)

5 And this table would be straight, so everybody would
6 be sitting. And there's a cloth over the table and all the
7 weapons would be disassembled on the table after that first
8 time that they had gone shooting.

9 Q And what did you see them do with the weapons?

10 A It was the disassembly, cleaning, and the reassembly of
11 the weapon.

12 Q What did you see Malik do?

13 A Basically, like what was like overseeing, almost, like
14 almost, you know, like a mentor do. Like somebody that, you
15 know, knows -- because my brother or Ibrahim, could I tell
16 that they had no -- no previous training that way. And there
17 was no training involved in, you know, disassembly,
18 reassembly. I mean, the most my brother knew was how to
19 shoot.

20 Q What did you hear Malik talk about during this time where
21 he was there with your brother and Ibrahim disassembling the
22 weapons?

23 A Proper cleaning procedures. Not leaving grease on guns.
24 Not completely removing grease from, you know, sliding parts.
25 Just the general cleaning a barrel the way it's bored

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1 properly. You stick a -- you know, the brush, if it goes down
2 the wrong way, it can, you know, destroy the inside of the
3 barrel, so proper cleaning procedures.

4 Q And out of the three of them, who showed the most skill at
5 being able to disassemble and clean the weapons?

6 A From what I can remember Malik was -- I mean, between
7 my -- Malik was probably the most experienced and then my
8 brother; other than my brother.

9 Q Was he teaching anything about the process?

10 MR. MAYNARD: Objection. Leading.

11 THE COURT: Overruled. You may answer.

12 THE WITNESS: Proper -- just proper procedures of
13 maintaining a weapon.

14 BY MS. BROOK:

15 Q And how about anything about reassembling the weapon?

16 A That's with barrel types, how they're spiraled to, you
17 know, the proper insertion of like bristle brushes and not
18 taking grease off completely of components, you know, to
19 complete the chrome finish so they stay lubricated.

20 Q Did he explain that process?

21 A Yes.

22 Q And when he explained it, were your brother and Ibrahim
23 watching?

24 A Yes. They were sitting both there -- they were all
25 sitting within the line that I have right there.

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1 Q You had mentioned weapons that were being used to be
2 disassembled and cleaned. Which weapons were those?

3 A The stock, the snubnose, the full body AK, and my brother
4 had a little 9 millimeter pistol that he would pulled apart.

5 But other than that, I mean, there was a revolver and
6 a fold-out 9 millimeter that didn't really require any
7 cleaning really.

8 Q Did it include both of the weapons that we've showed you
9 today?

10 A Yes.

11 Q At some point did you move out of the house?

12 A I moved out -- I moved out a month prior to the incident
13 with my brother.

14 Q And who did you move in with when you moved out of the
15 19th Avenue apartment?

16 A I had moved in with my girlfriend at the time.

17 Q Before you moved in -- or permanently with your
18 girlfriend, during the time before, the months before, were
19 you at times spending time at your girlfriend's house?

20 A Yes. I would spend the weekdays at the apartment with my
21 brother, but during the weekends I would usually stay at my
22 girlfriend's place.

23 Q And how soon before you moved out did you start to spend
24 weekends at your girlfriend's place?

25 A It was right there within that month before it happened.

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1 I mean, I was going over there occasionally, but it became,
2 you know, more often, and then she just told me to move in.

3 Q On Friday, May 1st, did you see your brother?

4 A Yeah. That was the last time I saw him.

5 Q And where was it that you saw him?

6 A Right here in this apartment.

7 Q Why did you go over to the apartment?

8 A I had left my workout equipment there. I had originally
9 got all my clothes and moved out, but I needed to rent a truck
10 to get all my workout equipment, so I had gone back there to
11 collect that.

12 Q When you showed up to collect the workout equipment, who
13 was at the apartment?

14 A Ibrahim and my brother.

15 Q And how were Ibrahim and your brother acting?

16 A It was just like every day. I mean, it was just like a
17 normal day. I mean, they were happy. My brother liked to
18 cook his soup. He was cooking his soup. Ibrahim was playing
19 Call Of Duty. I mean, it was just a general like happy
20 feeling.

21 Q Did you see at the house that day any of the weapons that
22 you've seen here today?

23 A Yes.

24 Q What did you see?

25 A When I had gone in to check for the remainder of my

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1 clothing, I had gone in the closet and moved a couple items
2 back. And my brother had still had his AK and the bulletproof
3 vest hidden in the closet.

4 Q I'm going to place on the overhead what's already been
5 admitted as Exhibit No. 130.

6 In looking at this picture, the background of it, is
7 that your house, the house that you lived in at 19th Avenue?

8 A No. It isn't.

9 Q How can you tell?

10 A By the color of the walls. I don't recognize that shelf
11 at all.

12 Q Do you know or have you spent time talking to a man by the
13 name of Stefan Verdugo?

14 A No.

15 Q Do you know or have you spent time talking to a
16 13-year-old boy by the name of Carlos?

17 A No.

18 Q Do you know or have you spent time talking to a
19 15-year-old boy by the name of Juan?

20 A No.

21 Q Do you know or have you spent time talking to an adult man
22 by the name of Sergio Martinez-Chavez?

23 A No.

24 Q At some point after your brother was killed, did Malik
25 talk to you about talking to the police?

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1 A Yes. I had a phone conversation with him about not
2 talking to the FBI. I got a couple of calls from people.
3 Also AK -- I mean both are generally saying that, you know,
4 what is done is done. You need to leave it, you know, for
5 what has happened. And basically, you know, inviting me to
6 come and hang out with them.

7 Q Malik who we have been talking about here today, the man
8 that was at the apartment with your brother and Ibrahim, do
9 you see him here in the courtroom?

10 A I'm sorry. My mind is somewhere else. I'm sorry.

11 Q Do you see Malik here in the courtroom?

12 A Yes, I do.

13 Q And can you point to him and describe something that he's
14 wearing.

15 A He's right there wearing the plaid shirt.

16 MS. BROOK: Your Honor, may the record reflect that
17 the witness has identified the defendant?

18 THE COURT: Yes.

19 MS. BROOK: I don't have any other questions.

20 THE COURT: Mr. Maynard.

21 **CROSS EXAMINATION**

22 BY MR. MAYNARD:

23 Q All right. I want to go back and get a time line so that
24 we're all clear when everything happened in this case.

25 If I understand correctly, you moved to Arizona for

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1 the last time in February of 2014; is that correct?

2 A Yes.

3 Q And at that point you moved in with your brother?

4 A Yes.

5 Q And it was in the apartment that he was living in when he
6 died on May 3rd?

7 A Yes.

8 Q Okay. And when he -- when you moved into that apartment,
9 he was already living with Elton Simpson?

10 A Yes.

11 Q And you started working with him at a job that he had with
12 Kiwi Carpet Cleaning business, correct?

13 A Yes.

14 Q Now, when you first moved into that apartment, was your
15 brother watching these ISIS videos that you've told us about
16 today?

17 A No. Not that I had seen initially.

18 Q Well, you don't move out of that apartment until the 1st
19 of April, end of March of 2015, correct?

20 A Yes.

21 Q So you're in that apartment with them for 14 months or
22 thereabouts?

23 A Around that, yes.

24 Q Okay. Now, you've told us that at some point you meet a
25 girl and you move in with her -- or a woman.

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1 And you moved in with her, I believe, the end of
2 March or first part of April?

3 A Yea. It was around the first part of April of 2015.

4 Q And when did you actually meet her?

5 A I think it was May of 2014.

6 Q May of 2014. Okay.

7 Did you meet her on some sort of social media site?

8 A Yes. It was an online site. I didn't have time to get
9 out and about. We were constantly working so it was off a
10 site called Tinder.

11 Q And you said you were constantly working. You were
12 working for Kiwi at that time, correct?

13 A Yes.

14 Q And then you and your brother left Kiwi and started a
15 business, I thought you said, in January of 2015?

16 A Yes.

17 Q Did I get that date right?

18 A Yes.

19 Q Was it around the first of January? The end of January?
20 When?

21 A I'm not completely sure on a date on that.

22 Q What's your best recollection?

23 MS. BROOK: Asked and answered.

24 THE COURT: Overruled. You may answer if you have an
25 estimate of beginning, end, middle.

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1 THE WITNESS: I would say within the first week --
2 first week of January.

3 BY MR. MAYNARD:

4 Q And I want to pinpoint, if we can, when did Mr. Simpson
5 buy his AK?

6 A It was four months after I had moved in, so around May.

7 Q I'm sorry?

8 A It was around May time.

9 Q May or June?

10 A May or June time, around there.

11 Q And when did your brother buy his?

12 A His was bought -- that was closer to the, you know, the
13 beginning of the year. I mean, because he had had it for two
14 months, so it was about February/March time that he had had
15 his weapon.

16 Q February or March?

17 A Yea -- yes.

18 Q Now, when Mr. Simpson bought his AK, did you see it right
19 away? Did he bring it in and show it to everybody?

20 A I was there when he had presented it, yes, to everybody.

21 Q Okay. Now -- and I don't want to misstate anything, but
22 if I understood your direct testimony, you said at the
23 beginning Abdul Malik was at the apartment that you stayed in
24 one or two times a week?

25 A Yea, initially, when I first met him, he would come over

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1 occasionally.

2 Q When did you first meet him?

3 A It was at the mosque.

4 Q When in relationship to the girlfriend that you had? Was
5 it before or after?

6 A It was before.

7 Q So it was sometime before May of 2014?

8 A Yes. It would have to be.

9 Q Can you give us any better recollection of it?

10 A I have -- I have no idea. I can't remember exactly what
11 month that was.

12 Q You met him at the mosque for the first time?

13 A Yes.

14 Q And so you had been living in this apartment from February
15 until April and that's the first time you meet Abdul Malik,
16 correct?

17 A It was halfway through the time that I moved in, yeah.

18 Q Pardon me?

19 A Halfway through the time so that I moved in.

20 Q Well, halfway through the time would be somewhere around
21 November or December?

22 A Not exactly. I don't mean half. I mean, you know, after
23 a little bit of time of living there. I'm not sure on the
24 whole, you know, timings of that but --

25 Q Well, you have a very good recollection on things. I want

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1 to try to get it as pinpoint accurate as we can.

2 A Okay.

3 Q Do you recall any better as we sit here when you met Abdul
4 Malik the first time?

5 I believe you said a minute ago you met him at the
6 mosque?

7 A I just remember it was really hot that day. It was very
8 hot.

9 Q So does that mean it would have been maybe in June, July,
10 or August?

11 MS. BROOK: Objection. Speculation.

12 THE COURT: I think he's already given you his
13 best -- the best information he can. Before he met his
14 girlfriend and after he moved here in February.

15 BY MR. MAYNARD:

16 Q And was it after you met him that time that he started
17 staying or coming over to the apartment one or two times a
18 week?

19 A Yes.

20 Q Okay. But prior to that you had not seen him? He had not
21 come to the apartment?

22 A No.

23 Q Okay. And then I believe you testified to the jury that
24 at some point it then increases to three to four times a week.

25 When did that happen?

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1 A I think that was closer -- I know it was -- because I know
2 after I had first met him, he started coming over, it was
3 probably like a couple months after I had first met him. I'm
4 not sure on that quite exact timing of that.

5 Q Is it before the new year?

6 A Yes. It was before. Before the new year.

7 Q Could you recall based on any holidays? Was it before
8 Thanksgiving or after Thanksgiving?

9 A I'm sorry. I can't.

10 Q So the best you can do is it's several months after the
11 first time you met him, so October/November, thereabouts?

12 MS. BROOK: Objection, Your Honor. Speculation and
13 asked and answered.

14 THE COURT: Sustained.

15 MS. BROOK: Misstates testimony.

16 BY MR. MAYNARD:

17 Q And you said he started coming three to four times a week
18 and that he slept over three nights a week. When did he start
19 sleeping over three nights a week?

20 A I mean it was -- I mean close around -- I'd say like
21 December time. I remember it was closer towards the end of
22 the year it was more frequent.

23 Q And so from the December or January time period until the
24 time you moved out, Malik was sleeping at your apartment three
25 times a week?

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1 A I mean, from what I can understand, he -- I don't know
2 what was going on in his life, but, I mean, he was over there.

3 Q Was he sleeping at your apartment three times a week in
4 the last three or four months that you were living there?

5 A Yes.

6 Q Now, you've also told us that -- or let me see if I've got
7 this.

8 When your brother brought in his AK-47, Malik was
9 there; is that correct?

10 A He had come back with him, yes.

11 Q And it was when he came in you learned that your brother
12 had -- that Malik had either loaned him the money or had
13 bought the AK for him; is that correct?

14 A Yes. I had learned that he had loaned the money to him.

15 Q But that would have been in February or March of 2015?

16 A Yes.

17 Q Correct? Okay.

18 Now, you told us about an incident where -- or a time
19 when you saw them cleaning the guns and it was all three of
20 them together, correct?

21 A Yes.

22 Q Can you give us -- so it has to be sometime after your
23 brother bought his because that gun was being cleaned, right?

24 A Yes.

25 Q And you move out around the first week of April.

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1 So can you tell me to the best of your recollection
2 when it was that you saw this being done, the cleaning?

3 A Because I know that they went shooting like pretty much a
4 couple days after he had bought his weapon, so it was within
5 that week.

6 Q A couple of days after your brother got his weapon?

7 A Yes.

8 Q So when did they go? Did they go on a --

9 A It was a weekend because we only had specific days off.

10 Q Okay.

11 A I'm not quite -- I can't remember if it was -- what day
12 exactly.

13 Q But you weren't working that day?

14 A No. I was on a -- I would leave early in the mornings to
15 go for my hikes.

16 Q Okay. And then you came home and you saw them after they
17 had been shooting that day cleaning the weapons?

18 A Yes.

19 Q And is it your best recollection that they went shooting
20 in the morning?

21 A Yes.

22 Q And then you saw them either in the afternoon or was it
23 the evening?

24 A It was later that evening.

25 Q And so that would have been on either a Saturday or a

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1 Sunday?

2 A Yes.

3 Q And either in March -- February or March?

4 A Yes.

5 Q And you seem to be pretty knowledgeable about cleaning
6 guns. Did you stand there and watch that happen?

7 A I watched for a little while. I watched a little bit of
8 them disassembling it and then I went into the kitchen to
9 cook. And when I came back out and was sitting down eating,
10 they were reassembling the gun at that point.

11 Q Did you participate in cleaning of the guns at all?

12 A No.

13 Q Do you have any knowledge about cleaning guns?

14 A Not really. I have never -- never owned a gun in my whole
15 life. I have never really thought I needed to have one.

16 Q Have you ever cleaned one?

17 A No.

18 Q Did you ever go shooting with your brother?

19 A Not in Arizona. But when we lived in Salt Lake City, my
20 dad owned weapons and we would go shooting out there.

21 Q So what kind of guns did you shoot when you were with your
22 dad in Salt Lake City?

23 A He had a 30 aught 6. 223. It was a magnum, a .40 caliber
24 magnum, a 9 millimeter, and I think there was like a -- I
25 think it was an SKS. My dad and his friends would also bring

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1 their weapons as well.

2 Q Your father had several rifles?

3 A Yeah. He had owned a couple weapons and his friends would
4 bring theirs as well.

5 Q When was the last time you went shooting?

6 A Actually, in Kansas with my brother and my dad.

7 Q Was that in January of 2015?

8 A No. This was -- this was in 2014. I think it was in -- I
9 remember it was wintertime. But my brother had his 9
10 millimeter and his fold-out 9 millimeter stock with him and we
11 had used those to shoot at the range.

12 Q Now, your brother had a 9 millimeter pistol, correct?

13 A Yes.

14 Q When did your brother get the 9 millimeter pistol?

15 A That was way before I moved out. I have no idea when he
16 had bought that.

17 Q Okay. And you mentioned to us just a second ago that your
18 brother had a 9 millimeter gun with a collapsable stock?

19 A Yes.

20 Q When did he buy that?

21 A That was probably a couple months before I had moved
22 there, from a garage sale.

23 Q So you believe he bought it in either January of 2014 or
24 December of 2013?

25 A I can't really say exactly when. I'm not completely --

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1 Q Well, when you moved in February of 2014, did he have the
2 gun with the collapsable stock?

3 A Yes. He had it at that time, yes.

4 Q Let me back up just a little bit here.

5 You were born in the United States?

6 A Yes.

7 Q Okay. At some point your father moved you and your
8 brother and your mother to Pakistan; is that correct?

9 A Yes.

10 Q And you lived in Pakistan for six or seven years?

11 A Yes.

12 Q And your father and mother separated at that time?

13 A Yes. When I was -- I think I was nine years old when they
14 divorced.

15 Q And your mother came back to the states and you stayed in
16 Pakistan?

17 A Yes.

18 Q And you went to school in Pakistan?

19 A Yes.

20 Q And then you moved back to the states and you moved to
21 Salt Lake City?

22 A Yes.

23 Q And at some point you got a girl pregnant in high school
24 in Salt Lake City?

25 A Yes.

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1 Q Okay. At that point did you sort of become the black
2 sheep in the family for a while?

3 A I was disowned from the family strictly because the girl I
4 had got pregnant and wanted to stay with was Mormon. I was
5 basically going against my father's wishes.

6 Q And did you become baptized Mormon at some point?

7 A Yes.

8 Q And you got married to the woman in Salt Lake City?

9 A Yes.

10 Q And you have two children there?

11 A Yes.

12 Q Okay. And then at some point you got divorced and you
13 moved to Arizona; is that correct?

14 A Actually, we had been separated in 2010. That's when we
15 had the pizza place. And then after a year in 2011 I had
16 moved back to reconcile things. But that's when we had
17 actually signed the divorce papers but stayed together for
18 three years.

19 Q Okay. Did your wife actually move here to Arizona with
20 you when they had the pizza place?

21 A No. She was present here in 2005 when we owned the dry
22 cleaners.

23 Q And did she ever move to Arizona?

24 A Yes. She moved out here from '05 to '06 with me.

25 Q Okay. And in '05 to '06 you worked at a dry cleaner?

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1 A Yeah. We owned a dry cleaners, yes.

2 Q Something your father had helped you purchase?

3 A My dad had actually purchased it originally for his family
4 to run. But then he had brought my brother in to take over
5 and then my brother had brought me in to help.

6 Q Then you went back to Salt Lake City for a time period?

7 A Yes. After that '05/'06 I went back and came back in
8 2010.

9 Q And then you came back in about 2010. Was that when the
10 pizza place was?

11 A Yes.

12 Q And then you left to go back to Salt Lake City after how
13 long? How long were you here?

14 A I was here for a year and then I went back.

15 Q And you stayed in Salt Lake for a couple of years before
16 you came back in February of 2014?

17 A Yes.

18 Q Okay. Now, your brother -- you told us about these ISIS
19 videos that were playing all the time.

20 When did that start?

21 A I was -- I can't remember an exact -- like an exact time,
22 but I know it was at least like a couple of months after I was
23 there. You know, they call them nasheeds. They're like some
24 sort of a -- I don't know a complete description behind it,
25 but they're like religious songs that would be played

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1 constantly.

2 Ibrahim was really big on playing those. Nothing
3 else was allowed to be played in that apartment. It started
4 with that. But then, you know, then the videos also included
5 the nasheeds plus the people driving around.

6 Q Can you give me some idea when that started, whether it
7 was in the summer, whether it was before you met your
8 girlfriend or after?

9 MS. BROOK: I object. Asked and answered.

10 THE COURT: The music or the videos?

11 It's not clear whether your question was about the
12 music or the videos.

13 BY MR. MAYNARD:

14 Q The music, was that music videos?

15 A No. They were just -- they were just -- it has the black
16 flag with the Arabic writing and the swords on it. That's all
17 it shows. But then it just has music playing in the
18 background.

19 Q Okay. So there was the black flag with music -- or black
20 flag with white writing with music playing in the background?

21 A Yes.

22 Q And that was the first thing you recall being played on a
23 daily basis at the apartment?

24 A Yes, because I was -- nothing else -- anything else I
25 would put on would be shut off immediately.

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1 Q And was that by your brother or was it by --

2 A By both, both of them, Ibrahim and my brother.

3 Q And when did those music videos or those music with the
4 flags start being played? Was it soon after you got there
5 or --

6 A No. It was -- they were already -- my brother would
7 actually listen to it in his car as well. He had CDs. Abu
8 Bakr CDs that he would listen to every day.

9 Q Your brother would listen to Abu Bakr CDs?

10 A Yes.

11 Q In the car?

12 A That's all he would listen to were lectures. He didn't
13 listen to music or watch TV, like, you know, normal cable.
14 Anything that was on TV would be, you know, involved with you
15 know --

16 Q Did you have cable TV there when you first moved in?

17 A No. We had a PC that was connected to the main TV. And
18 pretty much from that you can access everything, so.

19 Q So at some point this music then progressed to ISIS
20 videos?

21 A Well, I mean ISIS would -- from what I observed was that
22 they -- you know, they would post their videos, occasionally
23 post videos.

24 And, I mean, somehow Ibrahim would, you know, he
25 would always know, you know, these newer videos that would

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1 come out. And that's when a lot of these -- you know, the
2 whole tweeting thing started that I observed a lot of.

3 Q Can you give the jury some idea of when you started seeing
4 these ISIS videos?

5 A I think it was summertime. Yes.

6 Q Okay.

7 A I just remember it was hot again. It was hot that time
8 of --

9 Q And you have indicated that they were playing pretty much
10 all day. Now, if I understood your testimony, Ibrahim is
11 working as a dental hygienist or a dental assistant or
12 something of that nature, correct?

13 A Yes.

14 Q Is that a "yes"?

15 A Yes.

16 Q Okay. And he's working with an individual by the name of
17 Saabir Nurse?

18 A Yes.

19 Q And did you know Saabir Nurse?

20 A I had known him from that pizza shop, yes.

21 Q And did he come over to the apartment that you were in?

22 A He stopped by maybe once or twice but that was all that I
23 noticed.

24 Q Now, on a normal day, what time would you and your brother
25 get up to go to work?

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1 A Well, we only had one bathroom, so I would get up at 5:00
2 to get ready first. And then my brother was pretty slow
3 getting ready, so he was always the one after me.

4 Q And then would Ibrahim get up last?

5 A It was pretty much whoever got to the restroom first
6 waking up in the morning.

7 Q Okay. What time did you and your brother routinely go to
8 work every day?

9 A We would leave the house by 6:30. We had to reach the
10 warehouse at 7:00 for supplies and just depending on the
11 workload and how many contracts we were able to get and how
12 long each job would take.

13 Q And did you normally -- or what were the days of the week
14 that you guys would work?

15 A It all depended on contracts. Sometimes there was no
16 work. Other times we would have contracts to work all day
17 long.

18 Q From February until the end of the year when you started
19 your own business, were you normally working a full week or
20 not?

21 A No.

22 Q Can you give me some idea of how many hours a week you
23 were working?

24 A I mean, there was days we worked 22 hours straight because
25 there was the two of us and we took on jobs that were way

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1 above us. So it just all depended on the workload.

2 Q Did your brother work on Fridays?

3 A Yes, but he would -- he would shut down everything for
4 prayer time. Even if we were in the middle of a job, he would
5 shut down everything.

6 Q Okay. And did he do that every Friday?

7 A Yes.

8 Q Your brother was a very religious man, correct?

9 A I mean, throughout the time that I have known my brother,
10 he was religious and then he would fall off and he got
11 religious and fell off.

12 But then this time around he got religious and, you
13 know, went to the extreme side of it for some reason.

14 Q And you saw that progression happen while you were living
15 with him, correct?

16 A Yes. Through his actions, yes.

17 Q And your brother had actually had problems with the FBI in
18 the past while living in Salt Lake City, hadn't he?

19 A Yes. He was questioned by them.

20 Q I'm sorry?

21 A He was questioned by the FBI for stuff he was posting
22 online, yes.

23 Q And he was posting things online about President Bush?

24 A Yes.

25 Q Okay. And so you're living there with him and you're

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1 watching this progression. Do you confront your brother about
2 it?

3 A Many times.

4 I would get threatened to be kicked out. My brother
5 had come to the point where blood didn't matter anymore. It
6 was his Muslim brothers that came ahead of anybody.

7 I mean, he didn't really care what happened. You
8 know, my brother and I were very close our whole life but he
9 got to the point where he didn't even care what happened to me
10 as well. He was ready to kick me out for no reason. I mean,
11 the reason behind his reason was that, you know, the beliefs
12 that he had started believing, the more militant side of
13 Islam. Before he was, you know, very kind, a very soft
14 person.

15 Q And did he actually kick you out or did you leave on your
16 own?

17 A The last confrontation I had with my brother when he had
18 confronted me about, you know, being a kafir, doing what I'm
19 doing, you know, Muslims like me are killed. That was the --
20 I mean pretty much the last time.

21 Q Well, when you moved out in the first week of April, had
22 he kicked you out or had you done that on your own?

23 A I had left on my own because I felt unsafe at that
24 apartment.

25 Just from the general talk, I mean, the general

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1 actions of the people in that apartment, I mean, it was a
2 matter of time. In my head I thought it was like -- I kept
3 thinking in my head, well, it's a matter of time before these
4 guys are picked up. Someone is going to pick them up and I
5 don't want to be associated with that because I have nothing
6 to do with that.

7 Q You were getting nervous when you were there?

8 A Yes. I mean, I expressed it to my family as well.

9 Q You called your father?

10 A I'm sorry?

11 Q You called your father and told him?

12 A I called my mother and my father but they -- I didn't
13 really have a good standing. Through my 20's I did a lot
14 of -- you know, I got in trouble a lot. I wasn't really the
15 best of, you know, everybody's list. So nobody really
16 believed or cared what I had to say basically.

17 Q And is it fair to say that you were closer to your mother
18 than you are to your father?

19 A Definitely, yes.

20 Q And you would call your father to talk about your
21 brother's progression in the religion?

22 MS. BROOK: Objection. Hearsay.

23 THE COURT: Overruled. You can answer "yes" or "no."

24 THE WITNESS: Yes.

25 BY MR. MAYNARD:

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1 Q Now, at the end of 2014 did you and your brother make a
2 trip to Kansas?

3 A Yes.

4 Q And when did you leave Arizona to go to Kansas?

5 A I'm not completely sure what day that was, but I remember
6 it was in the evening because my -- we had just rebuilt my
7 brother's engine on his car. He was putting the last
8 finishing touches on it and it kind of pushed it further into
9 the evening, you know, but I remember we -- it was around the
10 evening time that we had left.

11 Q Do you remember if it was before or after Christmas?

12 A I'm not quite sure. But we don't celebrate Christmas, so
13 I'm not even sure what day Christmas is.

14 Q Even though you were baptized Mormon, you don't celebrate
15 Christmas any longer?

16 A The whole thing with getting baptized was to please my
17 in-laws. I was living at their house. My family was -- my
18 dad didn't want me to come live with him because of my
19 step-mom and my mom was in no position to take me in.

20 So, I mean, it was more to, you know, put myself in a
21 better standing with my wife's parents.

22 Q And did you drive to Kansas with your brother?

23 A Yes.

24 Q And did you go by Salt Lake City and pick up your kids?

25 A Yes.

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1 Q And then from Salt Lake City, you and your brother drove
2 on to Kansas and stayed with your dad for some period of time?

3 A Yes.

4 Q How long did you stay with your dad?

5 A For about a week.

6 Q And how long -- and then you drove back to Salt Lake City
7 and dropped your kids off?

8 A And then drove back to Phoenix.

9 Q Is it fair to say you were gone about two weeks?

10 A No. It was -- the drive -- because my brother and I were
11 driving, so we drove within -- I mean straight through. We
12 didn't stop. So it was about -- the whole trip was maybe
13 eight days, nine days.

14 Q Do you have a driver's license?

15 A No. I didn't have a driver's license at the time. I do
16 now but not at that time.

17 Q Now, did you go shooting with your brother while you were
18 in Kansas?

19 A Yes.

20 Q Okay. You did go shooting with your brother?

21 A In Kansas, yes.

22 Q And this would have been in late 2014 or early 2015,
23 correct?

24 A Yeah. It was late 2014.

25 Q Okay. And you went to -- did you go to a shooting range?

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1 A Yes. We went to an actual proper building and, you know,
2 they have the enclosed shooting ranges.

3 Q What guns did your brother carry with him when you went to
4 Kansas?

5 A The 9 millimeter handgun. He always had that with him.
6 And he brought the fold-out stock just for an extra gun to
7 shoot.

8 Q He did not have his AK-47 at that time?

9 A No. He hadn't purchased it.

10 Q When you came back, is that when you started the new
11 business?

12 A Yeah. A little after we had come back from visiting my
13 dad we had started it up.

14 Q Now, before the trip to Kansas, you were working pretty
15 much full time for another cleaning service, correct?

16 A You could say -- I would be more parttime than anything.

17 Q And Simpson is working full time at that point as a dental
18 hygienist or dental assistant, something --

19 MS. BROOK: Objection. Misstates testimony.

20 THE COURT: Sustained. He never said Simpson worked
21 full time.

22 BY MR. MAYNARD:

23 Q No. Simpson is working some point prior to January 1st as
24 a dental assistant -- something in a dentist's office?

25 A I mean on occasion he would get called to work there

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1 because he wasn't able to get a normal job because of the
2 previous run-in he had with the FBI. He had a record that,
3 you know, he couldn't do anything in the states.

4 Q Simpson actually had a felony conviction, didn't he?

5 A Yes.

6 Q And you were aware of that?

7 A Yes. That was from -- I had learned that when I had
8 worked at the pizza place that he had.

9 Q And while you were living with your brother and Simpson in
10 2014, did probation officers ever come to your apartment?

11 A No.

12 Q Never once?

13 A Never once.

14 Q Now, can you tell us how much Simpson was working prior to
15 January of 2015?

16 A When I first moved out, he moved out to Phoenix in
17 February, 2014. He was actually working consistently at the
18 start. He would actually go every day.

19 But then progressively it started to two days here,
20 maybe a day here, but it was more of he was -- my brother and
21 Ibrahim were content with, you know, making enough to just pay
22 bills and have enough to eat.

23 I mean, they weren't worried about making anything
24 more than that. So that's why our business went down as well
25 because my brother had the same mentality that, you know, more

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1 money, more problems. But in that same sense, you have to
2 survive somehow.

3 Q Well, when you two started your own business, you thought
4 you were going to be able to do pretty well, didn't you?

5 A I thought we were going to do great.

6 Q And it was because you had now learned how to clean
7 carpets and clean stone floors?

8 A Yea. We did specialized stone floors. We did flood
9 remediation. Carpet repairs. Carpet installations. I mean
10 we took on jobs that we had no knowledge about but, you know,
11 YouTube is a good place to find out.

12 Q So I mean as of the first part of January, you guys are
13 doing pretty well?

14 MS. BROOK: Objection. Misstates testimony.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: I wouldn't say that well. I mean, we
17 were doing better than we had had previously. I actually had
18 money to send to my kids and my brother was able to give me
19 like -- I was getting like \$150 a week.

20 BY MR. MAYNARD:

21 Q Over and above rent and food and those kinds of things?

22 A So, yeah. He would add in like rent and say, okay, well,
23 I justify paying you this much because I pay rent and I pay
24 for food and everything else, so.

25 Q Now, your brother has a son?

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1 A Yes.

2 Q And tell the jury what his name is.

3 A Nathaniel Soofi.

4 Q And he's eight years old or thereabouts?

5 A Yeah. I think eight or nine now.

6 Q Your brother got him every other weekend or did he get
7 him --

8 A Every weekend.

9 Q Every weekend. So Nathaniel Soofi would actually come to
10 your apartment every weekend?

11 A Uh-huh.

12 Q Correct?

13 A Yes.

14 Q And Nathaniel Soofi, would he listen to these ISIS videos
15 that were being played?

16 MS. BROOK: Objection. Speculation.

17 THE COURT: Rephrase the question.

18 BY MR. MAYNARD:

19 Q Would the ISIS videos be played while Nathaniel Soofi was
20 there?

21 A Yes. I mean, other than the times that he was allowed to
22 watch his approved cartoons or videos or he had his time to
23 play his games, his video games. But other than that, I mean
24 there was nothing else played on that TV.

25 Q So ever since February of 2014 through the time that you

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1 leave in April, Nathaniel Soofi was coming over every weekend?

2 MS. BROOK: Objection. Foundation.

3 THE COURT: Overruled. You may answer.

4 THE WITNESS: It wasn't every -- every weekend. I
5 mean, there were times where my brother and I would plan
6 things or on hikes or certain things he wasn't, you know,
7 capable of doing or there was just some times my brother just
8 didn't want to have him for the weekend.

9 BY MR. MAYNARD:

10 Q But generally speaking, your brother had him every
11 weekend?

12 A Yes.

13 Q And your brother and Nathaniel were very close, weren't
14 they?

15 A Very close, yes.

16 Q Did your brother teach Nathaniel how to shoot a gun?

17 A Yes.

18 Q And where did he teach him how to shoot a gun?

19 A He had come to the shooting range with us in Kansas and
20 shot the pistol and the foldout.

21 Also, just in general gun play with like Nerf guns at
22 the house, we would always, you know, have fun and that's the
23 extent of his shooting-wise.

24 Q Now, going back to the woman that you met in April or May,
25 did there come a point in time when you started spending

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1 evenings with her or spent the night with her?

2 A I mean I --

3 Q I'm talking overnight. You stayed overnight at her
4 apartment.

5 A I mean, if it would get too late, yes, I would spend the
6 night but --

7 Q When did that start?

8 A Probably a couple months after I met her. I'm not
9 completely sure. When we first met, we were -- it's called
10 being put in the friend zone. I got put in the zone and it
11 took a while before we actually got together.

12 Like I was just friends with her hanging out and then
13 I eventually built a relationship with her.

14 Q Right. I mean, at some point you moved in with her,
15 you've told us.

16 A Yes.

17 Q But prior to that were there times when you would spend
18 evenings or stay overnight?

19 A Yes. We would occasionally go to the movies and out to
20 dinner.

21 Q Okay.

22 A But on occasion, yes, she would let me stay the night.

23 Q And did you stay there often on the weekends?

24 A Yeah. Most of the time -- it was most of the time I
25 didn't have work the next day because there was no way I could

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1 have --

2 Q When did you start spending your weekends at her
3 apartment?

4 A I mean, that was towards the end when she had actually,
5 you know, let me build a relationship with her. I had only
6 been -- we had only been in a relationship for about a
7 month-and-a-half before, you know, I got moved off to Kansas.

8 Q Well, starting in January after you got back from your
9 trip to Kansas with your kids and with your brother, were you
10 spending your weekends with your brother or were you spending
11 your weekends with your girlfriend?

12 A It was mixed. Mixed between the two of them.

13 Q And so you would see your nephew --

14 Did you call him your nephew or what did you call
15 Nathaniel?

16 A I would call him Nate.

17 Q Nate. Okay.

18 You would see Nate on the weekends. Did you see him
19 every weekend that he was there?

20 A No. There were times that I wasn't present at the
21 apartment to see him.

22 Q Did you go to the mosque with your brother?

23 A Yes, some. That was more of a -- a thing to please my
24 brother. I mean, he was really adamant about, you know, being
25 Muslim and praying five times a day and, you know, trying to

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1 pull me away from, you know, I guess what I was doing on a
2 daily basis.

3 Q Your brother didn't like the fact that you had a
4 girlfriend that you spent the night with; is that correct?

5 A No. He -- he actually started to hate me for it.

6 Q Okay. And when you told us -- I believe you told us
7 earlier at some point did your brother tell you that people
8 who did what you were doing should die?

9 A Yes. They are basically called kafirs. People that are
10 born Muslim but, you know, go against the religion, you're
11 completely looked down upon.

12 Q Do you recall when your brother told you that?

13 A I mean, that was the whole -- I mean, I was -- I don't
14 like saying this, but I was seeing, you know -- at first I was
15 seeing, you know, multiple girls. And so, you know, he saw
16 that but, you know, that's when he started to, you know, say
17 these things to me.

18 Q So you were having relationships with more than just one
19 woman while you were living with your brother?

20 A I mean not relations. But I mean I enjoy hanging out more
21 with females than guys, I guess you could say.

22 Q And your brother did not approve of your lifestyle?

23 A No, because you're not supposed to hang out with females
24 unless your intent is to marry them. So you're not supposed
25 to. It's just a big no-no in Islam.

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1 Q And when you had gone to Kansas with your brother, had
2 your brother lectured you about your lifestyle?

3 A Actually, when we had gone on the drive -- see, when I
4 pull my brother away from everybody, he would come back to the
5 person I knew. I would bring him back to the brother I know.

6 But when I would leave him with, you know, the people
7 at the apartment, it was -- I would come back and he would be
8 a whole other person.

9 Q Now, did you become aware at some point that your brother
10 started looking on the Internet to buy an AK-47 in January?

11 A I had no idea till it was brought to the house.

12 Q So the first time you knew anything about it was when you
13 saw it?

14 A Yes.

15 Q And did you have any understanding of where he bought the
16 AK-47?

17 A Yes. He expressed to me how it was bought and how he
18 received the money.

19 Q No. Where?

20 A From Craigslist.

21 Q Okay. And when he bought it from Craigslist, did he tell
22 you who it was that he had bought it from?

23 A All I know is that a gentleman that -- he would basically
24 upgrade these rifles and sell them online.

25 Q I'm sorry. I didn't hear.

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1 A He was a gentleman that sold upgraded weapons. I mean
2 that's all I know of because he had come back with armor
3 piercing rounds and like specialty items on the rifle that you
4 don't usually just get.

5 Q So when your brother came back with this, it was a
6 customized AK-47?

7 A Yes.

8 Q Okay. Now, you've also told us that -- I heard you
9 mention a couple of times that at some point during the days
10 you did either long hikes or you did long runs.

11 How often was that?

12 A Oh, about three times a week.

13 Q And when you say "long runs," are you talking -- are you
14 an ultramarathon runner?

15 A I would say a marathon runner. I do 30-miles-plus.

16 Q And you would go out and run 20 or 30 miles three times a
17 week?

18 A About two or three, like two or three times a week,
19 depending on my knees if they would allow it.

20 Q Was that normally during the week or was it on the
21 weekend?

22 A I mean, if we didn't have work, it was during the week.
23 On the weekends I would, you know, rather do something else.

24 Q But you would work in the morning with your brother if
25 there was work and then you would go out in the afternoons and

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1 you would run 20 or 30 miles?

2 A That was only on the days we didn't work. There was no
3 way after work that I would be able to do that.

4 Q Okay. So when there wasn't work, you would run these long
5 runs?

6 A Yes.

7 Q And then on the weekends you were spending time with
8 different women, including the woman that you eventually had a
9 relationship with?

10 A Yeah. It was mixed between, you know, the females I was
11 seeing and my brother.

12 Q Okay.

13 A Because my brother and I also tried to make plans with
14 each other, you know, so we, you know.

15 Q Now, let me ask you a few questions. I want to switch
16 here for a second.

17 Your brother, the last time you saw him was on May
18 1st of 2015, correct?

19 A Yes.

20 Q You had not seen him for approximately a couple of weeks
21 before that?

22 A Like a week. A week before.

23 Q Your brother had contacted you and was sort of emphatic
24 that you bring him a pair of shoes of his that you owned?

25 A Yeah. I had borrowed his dress shoes for my court date

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1 and I had kept them in my girlfriend's place. And that last
2 week I hadn't gone over there, he was adamant every day, you
3 know, you need to bring me my shoes. But I would leave them
4 outside the house and he was more than welcome to pick them up
5 himself, but he --

6 Q He didn't pick them up?

7 A No.

8 Q And on that day it seemed he was adamant on the March or
9 on May 1st that you come to the house to see him or ostensibly
10 to bring the shoes back?

11 A Yes. And to give him the apartment key, because he said
12 there was no point of having the key if I'm not living there.

13 Q And so it was at that point that you then cleaned out all
14 of your stuff, correct?

15 A Well, prior to that I had taken my clothes out but --

16 Q But you had athletic equipment, weight equipment, things
17 of that nature that had not been taken out?

18 A No. The heavy, big stuff I needed a truck to get that
19 out.

20 Q And that's the day you got it. Was it in the evening of
21 May 1st?

22 A It was 7:30. I remember the exact time. I was there
23 from -- because I remember I had got into an argument with my
24 girlfriend because she didn't want me to leave and go to the
25 apartment. But I left anyway and I was there from 7:30 to

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1 8:30.

2 Q Your girlfriend wasn't welcome in the apartment, was she?

3 A No, not at all.

4 Q You go over to see your brother. Simpson is there,
5 correct?

6 A Yes.

7 Q They seem to be in a jolly mood?

8 A Yes.

9 Q And your brother tells you you can actually take some of
10 his athletic equipment, his weights?

11 A They were all mine. I had made a collection over time.
12 In his room I had, you know, like a punching bag and weight
13 bench and all that stuff and all my weights.

14 But at that time too it kind of struck me funny
15 because he was, you know, asking me if I wanted to take
16 anything else.

17 Q Okay. You mentioned you had a punching bag and other
18 things. Do you have any -- you've studied martial arts?

19 A Yes. I study mixed martial arts.

20 Q Do you study jujitsu?

21 A It's a -- I do a mix between muay Thai and jujitsu.

22 Q Muay Thai is a Thai form of boxing?

23 A It's more of like a kickboxing form.

24 Q Okay. And so you saw your brother that night. You saw
25 Simpson that night. You told them good-bye, correct?

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1 A Yes.

2 Q And your brother advised you to remember what he had told
3 you about Islam?

4 A He told me to remember the teaching of Islam. If I have
5 any questions, everything is online and that he was just
6 generally happy that he was able to help me move forward in
7 life, to get a second chance, you know, at actually making
8 something of myself.

9 Q You knew that your brother was leaving town, correct?

10 A He said he was doing business out of town.

11 Q Did you know your brother was leaving town?

12 A Yes.

13 Q And was it your understanding he was going out of state on
14 business?

15 A Yes.

16 Q Okay. You did not know, though, that he was going to go
17 to Texas for this Muhammad drawing contest?

18 A No.

19 Q Okay. And did you attempt to text or call your brother
20 that weekend?

21 A No. I mean, the next time I had heard anything was when I
22 saw the news that Monday morning. I saw his car on the news.

23 Q You got up Monday morning at your girlfriend's house?

24 A Yes.

25 Q And you saw the news.

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1 Did you recognize your brother's car?

2 A At first they had said -- I had heard Elton Simpson's
3 name. And initially, my first reaction was that, you know, my
4 brother was still here and it was Malik and Ibrahim that had
5 gone out.

6 Q You thought it was Malik and Ibrahim.

7 Didn't you see an overhead shot of the car?

8 A Not till -- when they had first started showing the
9 initial pictures, they had showed Elton Simpson's face. And
10 they said that two men from Phoenix had gone out to Dallas and
11 done a shooting in Garland.

12 Q You're telling us now that you think it was your -- your
13 initial reaction was it was Simpson and Malik?

14 A But then when I saw the car --

15 Q Did you call your brother?

16 A Yes. And I just got the answering machine multiple times.
17 But then that's when the news feed showed my brother's car, I
18 knew from there that it was my brother.

19 Q Okay. And your brother had a fairly unique looking car?

20 A Yes.

21 Q Okay. Even though it had been destroyed in Garland,
22 Texas, you still recognized it?

23 A Yes.

24 Q And you understood that Simpson could not have driven that
25 car out there?

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1 A He cannot drive a stick shift.

2 Q Right. Now, at some point that morning you get called by
3 the FBI; is that right?

4 A No.

5 Q Did you call them?

6 A My girlfriend had a friend in the FBI and she had told
7 them that I was the -- you know, that I'm the brother of, you
8 know, the person that went up there and did that. And I need
9 to, you know, to basically to come out and, you know, tell my
10 side of the story, you know, so they don't have to come
11 searching for me so it would look better.

12 Q Did you then meet with the FBI on the morning of May 4th
13 of 2015?

14 A Yes.

15 Q And where did you meet with them?

16 A It was at a coffee shop.

17 Q And how many agents were there?

18 A There were -- there were two that talked to me but there
19 was one that stayed kind of behind.

20 Q Were you worried at that time that you might be implicated
21 because you had been living with the two guys who had just
22 gone and committed a terrorist act in Garland?

23 A No. I wasn't afraid of any association with what had
24 happened. I was just in general -- generally, I mean, when
25 you find out that somebody so close to you, especially your

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1 brother, has been killed, I mean, I had completely fallen
2 apart.

3 But at the same sense, I was, you know -- I had that
4 fear and I was scared because I'm like, okay, well, you know,
5 if they're going to be looking towards me for either
6 retaliation for what has happened or if they are going to be
7 looking towards me to come after me to join them or you know.

8 Q Had your brother attempted to get you to join him and
9 Simpson?

10 A Towards the end, I mean, they pushed a lot, a lot more.

11 Q Now, this first meeting with the FBI that occurs at a
12 coffee shop, how long do you recall that meeting lasting?

13 A It was about an hour.

14 Q Okay. And when was the next time you met with the FBI?

15 A It was in Kansas.

16 Q Didn't you meet with the FBI again in Phoenix, Arizona, on
17 May 5th?

18 A No. They had only talked to me the one time at that
19 coffee shop and then the next time was at the airport before I
20 was leaving.

21 Q Well, that airport was in Phoenix, Arizona, wasn't it?

22 A Yeah. It was just a quick -- a quick run-in just to show
23 me some pictures and verify people.

24 Q And then you flew home to Kansas for your brother's
25 funeral?

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1 A Yes.

2 Q And how many times did you meet with the FBI in Kansas?

3 A About three times. Three times.

4 Q When you met with the FBI on May 4th, were you aware that
5 you were being recorded?

6 A No.

7 Q Did the FBI eventually tell you that they had recorded
8 you?

9 A No one has ever said anything about being recorded that
10 first time. I knew that other times I had been recorded but
11 not the initial.

12 Q Not the first one?

13 A Huh-uh.

14 Q So you have not listened to a transcript or you have not
15 listened to a recording of that first interview; is that
16 correct?

17 A No.

18 Q Okay. And when you were in Kansas, you said you met with
19 them on at least three occasions?

20 A Yes.

21 Q Did they tell you they were recording you when you met
22 with them in Kansas?

23 A Yes. They would put the recorder in plain sight and said
24 they were recording.

25 Q Did they meet with you first and talk to you and ask you

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1 questions and then after they had asked you questions did they
2 then record you?

3 A No. It was -- I mean right off the bat they had the
4 recording going.

5 Q You're sure?

6 A Yes.

7 THE COURT: Mr. Maynard, we're going to break for
8 lunch.

9 MR. MAYNARD: Okay.

10 THE COURT: Ladies and gentlemen, we will reconvene
11 at 1:15. You are reminded of the admonition not to discuss
12 the case among yourselves other with anyone else.

13 Please do not form any conclusions about the case
14 until you have heard all the evidence and begun your
15 deliberations.

16 Court is in recess until 1:15.

17 (Recess taken at 11:59 a.m.; resumed at 1:19 p.m.)

18 THE COURT: Good afternoon, ladies and gentlemen.
19 Please sit down. The record will show the presence of the
20 jury, counsel, and the defendant.

21 Mr. Maynard, you may continue your cross-examination
22 of Mr. Soofi.

23 **CROSS EXAMINATION**

24 BY MR. MAYNARD:

25 Q At some point in 2014 or 2015, did your father come to

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1 visit you in Phoenix?

2 A In 2014.

3 Q When?

4 A It was within the summertime.

5 Q Okay. And do you recall how long he stayed?

6 A It was a brief visit. It was like four days.

7 Q Now, the day after your brother is killed, you meet with
8 the FBI at a coffee shop at approximately eleven o'clock in
9 the morning, correct?

10 A Yes.

11 Q And there are two agents that are interviewing you and
12 then there's another agent that's somewhere nearby?

13 A Yes.

14 Q And they start asking you questions about what has gone on
15 in that apartment that you have been living in for the last 14
16 months, correct?

17 A Yes.

18 Q And they ask you:

19 Were there any other people that came into the
20 apartment besides you and your brother and Mr. Simpson.

21 Do you recall that?

22 A I don't recall that question.

23 Q I believe you told me earlier you were not aware that you
24 were being taped at the time?

25 A Yes. I was not aware of it, no.

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1 Q Do you recall that they asked you:

2 Did anybody come in that seemed to have your
3 brother's and Simpson's beliefs?

4 A No. I was never asked.

5 Q Okay. Do you recall that the detective on May 4th --

6 THE COURT: Excuse me. You've placed something on
7 the screen and you haven't told Mr. Soofi what it is.

8 BY MR. MAYNARD:

9 Q Mr. Soofi, I have placed on the screen a portion of a
10 certified transcript of the conversation that you had with
11 detectives on May 4th, 2015. Have you seen this document
12 before?

13 A No.

14 Q You do recall that there was a conversation that you had
15 with detectives at this time?

16 A Yes.

17 Q Okay. I'm going to ask you to look on page 15, starting
18 at line 12. Do you see the question from the detective?

19 A Yes.

20 Q Would you read that to yourself for a second.

21 A Okay.

22 Q Do you recall now that you told them that the only guy
23 that you recall coming to the house at the time was a fellow
24 by the name of AK?

25 A I mean, I can't completely recall my conversation at that

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1 time. But, I mean, when I initially had come to the FBI, I
2 mean, my mind was in complete --

3 Q I'm sure you were upset. Your brother had just been
4 killed.

5 THE COURT: Could you speak closer to the microphone,
6 Mr. Maynard. You're drifting away.

7 MR. MAYNARD: I'm sorry.

8 BY MR. MAYNARD:

9 Q You had learned about it five or six hours earlier,
10 correct?

11 A Yes.

12 Q And the FBI are coming in there to investigate because
13 they're wanting to know, as they told you, if there was
14 anybody else that may be out there that would be involved in
15 something like this, correct?

16 A Yes.

17 Q And you're wanting to help the FBI and give them as much
18 information as you can at that time?

19 A I did my best at the time with the state I was in.

20 Q And you've just told us that for the prior three or four
21 months that Abdul Malik was sleeping at your brother's house
22 two or three nights a week and staying there three or four
23 days a week, correct?

24 A Yes.

25 Q But when they asked you if there's anybody else that could

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1 be involved, you don't mention Abdul Malik at all, do you?

2 A It was based off of --

3 Q Excuse me. You did not mention Abdul Malik the first time
4 you were interviewed by the FBI?

5 A No, I didn't.

6 Q Okay. In fact, you told the FBI that day that:

7 My brother and roommate would never bring anyone back
8 to the house.

9 Do you recall telling them that?

10 A I wouldn't personally bring people to the house, but, you
11 know, people would show up on their own. They wouldn't
12 physically, you know, grab the person and bring them to the
13 house. It was more of friends visiting.

14 Q So when you told the FBI that my brother and roommate
15 would never bring anyone back to the house, what you meant was
16 they didn't physically bring them back, but people would just
17 drop by?

18 A Yes.

19 Q And the FBI then went on and asked you to describe AK.

20 Do you recall that?

21 A Yes.

22 Q And do you now recall that you described him as a Muslim
23 man with a family with a graying beard?

24 A That's a general description, yes.

25 Q And then you went on to tell them:

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1 That's the only person that came to the house.

2 A I mean, like I said at the time, at that point in time I
3 couldn't -- anybody -- I mean, I don't care who you are, if
4 you're --

5 Q Excuse me.

6 A If you're --

7 Q Excuse me. Excuse me, Mr. Soofi. Sorry for your loss.

8 But let me direct you to page 16 of the transcript of
9 your testimony with the FBI or your statement to the FBI that
10 day. Take a look at page 16. Start on line 2 and read down
11 and see if this helps to refresh your recollection.

12 Do you see beginning on line 10 where you said:

13 I mean, that's the only person other than that they
14 would leave. They would always leave and do stuff and they
15 wouldn't tell me.

16 Do you see that?

17 A Yes.

18 Q Do you remember telling the FBI that on that morning?

19 A No, I don't. I really can't remember a lot of what I said
20 that morning.

21 Q Do you remember the FBI questioning you about your role
22 and that you were living there and you were watching these
23 ISIS videos on a daily basis, weren't you?

24 A No.

25 Q You didn't watch them?

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1 A I had watched on occasion, but not on a daily basis, no.

2 Q Didn't you tell the FBI that you had told your brother and
3 Simpson that they had to stop. Otherwise, they were going to
4 get you in trouble?

5 A Yes.

6 Q Okay. Now, at eleven o'clock when this interview took
7 place, the FBI asked you about when you learned or how you
8 learned that it was your brother that was involved.

9 Do you remember that line of questioning?

10 A Yes.

11 Q And do you remember that you told them that you saw the
12 two AK-47s and you saw your brother's car?

13 A I saw the car on the news, but I didn't see the weapons.
14 The weapons weren't presented to me in a picture until --

15 Q There's not a question pending.

16 I'm going to show you -- I put on part of page 25 of
17 the transcript and begin reading it approximately line 22.
18 You can start at 18 for the question.

19 THE COURT: Okay. I'm going to just interrupt this
20 right now.

21 You asked him if he said he saw two AKs and this
22 transcript says nothing about seeing it.

23 BY MR. MAYNARD:

24 Q Oh. Had you heard that there were two AKs there in the
25 news reports?

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1 A Nothing of the weapons.

2 Q Look at page 25, going on to page 26.

3 Did you say to the FBI that morning:

4 I mean if it was Simpson and that's my brother's car
5 and Elton didn't know how to drive a stick for crap he would
6 have -- he would have killed the car and that's my brother's,
7 his little souped up little Cobalt. He wouldn't let anybody
8 drive it. I was the only one that really drove it. When I
9 saw that car I was, like, yeah. And then I heard two AKs and
10 they both owned AKs.

11 Do you remember making those statements to the FBI on
12 May 4th?

13 A No. I don't remember that.

14 Q You don't deny that you made it, do you?

15 A I mean, some of it sounds like from what I said, but, I
16 mean, the last part I can't really see it.

17 Q And do you recall as the FBI continued to ask you
18 questions, you told them that your brother went shooting up
19 north on occasion?

20 A Yes.

21 Q And do you recall that you told them that you went with
22 your brother and his son shooting out in the desert?

23 A That was before -- that was way before he got the AKs.

24 Either of them. That was when we had gone for a hike, my
25 brother always had his 9 millimeter on him, so we just decided

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1 to take it out and shoot at a couple things.

2 Q But when the FBI asked you about whether you had ever gone
3 out shooting with your brother, you said you had gone out
4 shooting with your brother and your nephew Nathaniel out in
5 the desert?

6 A Yes.

7 Q Just the three of you?

8 A Yes.

9 Q And, again, when the FBI asked you about how you learned
10 it was your brother and you told them that you had seen the
11 car and you heard about two AKs, you didn't say anything to
12 them that, oh, I thought it must have been Simpson and Malik,
13 did you?

14 A The only thing I recollect saying was that I know that's
15 my brother and they had already mentioned Elton Simpson's
16 name.

17 Q Now, you told us a few moments ago that your brother
18 bought his AK in either February or March.

19 Do you recall that?

20 A Yes.

21 Q And you've told us at length about how your brother came
22 in, Malik was with him, and that Malik said he had either
23 bought the gun or had loaned him \$700 for the gun.

24 Do you remember that? That's what you've told us
25 today.

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1 A I had stated that my brother had come in and -- you know,
2 he had told me that Malik had loaned him the money for the gun
3 and he was going to pay him back.

4 Q Now, when the FBI asked you on May 4th when your brother
5 bought the gun, you told them it was five months ago, correct?

6 A In which --

7 Q Let me direct your attention to page 27. I'm going to
8 direct your attention, starting at the top. Special Agent is
9 asking you about the guns that your brother has. And you tell
10 him that he had a Glock and he bought this -- you told him it
11 wasn't a Glock and that he had bought a 9 millimeter at a yard
12 sale.

13 Do you recall that?

14 A Yes.

15 Q And then you go on. He asked you:

16 Are there any other weapons?

17 And you say: No, just the handgun. And he had
18 recently got the AK, probably five -- like five months ago.
19 It was like five months ago.

20 Do you know how he acquired it?

21 Mr. Soofi: Through Craigslist. He bought it on
22 Craigslist. Bought it through a private owner. It was
23 upgraded, you know. Those guys that have their upgraded
24 collection of weapons and they personally do stuff to them.

25 Do you know about how much he paid?

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1 It's like I think 700 bucks.

2 You didn't mention anything about Abdul Malik when
3 the agents are asking you when your brother purchased the AK,
4 did you?

5 A Initially, in that first interview, no.

6 Q And you didn't tell them that he had gotten the money from
7 Abdul Malik either, did you?

8 A No. With the questions that were asked, I -- and at the
9 time, like I said, it was -- I mean --

10 Q I know you were upset. I understand.

11 Now, going on, they ask you about when Simpson had
12 gotten his. Do you see that?

13 And you told them that Simpson had gotten his before
14 your brother had.

15 A Yes.

16 Q Do you recall?

17 You told them:

18 He got his probably a couple of months before my
19 brother got his. It was more, you know, the compact AK, you
20 know, the smaller compact one. It was just the hand grip.

21 MS. BROOK: Your Honor, I'm going to object to the
22 form of the question. There's no impeachment question before
23 the witness.

24 THE COURT: Sustained.

25 BY MR. MAYNARD:

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1 Q Do you recall that the officers --

2 THE COURT: You can take that off the screen,
3 Mr. Maynard. You are going to get his recollection.

4 MR. MAYNARD: Yes, ma'am.

5 BY MR. MAYNARD:

6 Q Do you recall that the FBI agents were asking you when
7 Mr. Simpson had gotten his weapon, his AK?

8 A Yes.

9 Q And do you recall that you told them it was a couple of
10 months before your brother had gotten his?

11 A I'm not sure on the time period, but --

12 Q Let me show you your transcript again.

13 Do you see where you said:

14 He got his probably a couple of months before my
15 brother got his. It was more, you know, the compact AK, the
16 smaller compact one.

17 Do you see that?

18 Does that refresh your recollection that you told the
19 agents then Mr. Simpson had gotten his a couple of months
20 before your brother had gotten his?

21 A I mean, I can't really remember that day completely. I
22 mean, anything that would have came up that day was
23 completely --

24 Q There's no question pending.

25 Do you recall telling the agents that there was a lot

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1 of ammunition kept at the apartment?

2 A Yes.

3 Q Do you recall the agents asking you whether or not you
4 knew about the Muhammad drawing contest before your brother
5 going there?

6 A Yes.

7 Q And do you recall you told them you didn't know anything
8 about it?

9 A I'm sorry?

10 Q You told them you didn't know anything about it?

11 A Yes.

12 Q Okay. Had you heard your brother say before that people
13 who drew pictures of the Prophets should be killed?

14 A Any depiction of a Prophet is not allowed, especially a
15 Prophet Muhammad.

16 Q Now, do you recall that when the agents asked you what you
17 knew about your brother's plans, you told them that your
18 brother was rather secretive?

19 MS. BROOK: Your Honor, objection. Form of the
20 question.

21 THE COURT: Sustained.

22 BY MR. MAYNARD:

23 Q Okay. Was your brother rather secretive?

24 A Yes.

25 Q Okay. Was Ibrahim also rather secretive?

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1 A Yes.

2 Q In the weeks leading up to this Garland attack, did they
3 sort of keep to themselves?

4 A They stayed in the apartment the majority of the time.

5 Q And you weren't in there the last two or three weeks, were
6 you?

7 A The last week I wasn't there completely, but I was there
8 off and on. I would stop by occasionally.

9 Q And the last couple of months before this attack were they
10 careful around you?

11 A Yes. With any conversations, they would leave the house
12 to go out to eat somewhere. Or they would go out to an
13 undisclosed location, somebody's house. They never told me
14 the name of the person, but they were always going to a
15 person's house. They didn't want me to go with them.

16 Q Did the FBI ask you if you thought there was somebody that
17 was providing money to your brother and Simpson?

18 MS. BROOK: Objection. Form of the question.

19 THE COURT: Overruled. You may answer.

20 THE WITNESS: Yes. There was a mention of an outside
21 source. That's kind of why my brother quit advertising for
22 the business. Ibrahim stopped working because --

23 BY MR. MAYNARD:

24 Q Excuse me. I'll ask the questions.

25 Did you tell the FBI who you thought it was that was

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1 providing money to Ibrahim and your brother?

2 A No. That --

3 Q Did you tell the FBI on that day that there were
4 individuals that would provide money to people who would
5 spread Islam?

6 A Yes.

7 Q And did you tell the FBI that you had suspicions about who
8 was providing money?

9 A Yes.

10 Q And when you told the FBI that, you never mentioned my
11 client Abdul Malik, did you?

12 A No.

13 Q In fact, who you mentioned was an Imam in the Phoenix
14 area, correct.

15 A Yes.

16 Q Now, when the FBI asked you about your having not lived
17 there for the last several weeks, did you tell the FBI that
18 you had been kicked out?

19 A No. I remember telling them that I had --

20 Q Excuse me. There's no question. Thank you.

21 I'm going to show you what's been marked from that
22 same transcript of May 4 of 2015. I direct your attention to
23 page 48, line 2.

24 The detective says:

25 So I had mentioned, did you have any ideas or

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1 suspicions about anybody that may have -- may have been
2 supporting them?

3 MS. BROOK: Objection. Form of the question.

4 THE COURT: Overruled. You may continue.

5 BY MR. MAYNARD:

6 Q Answer: I mean --

7 Mr. Soofi: Answer: I mean, when my brother kicked
8 me out, he said that he did not have anybody that would fund
9 him. And then you go on to some more explanation.

10 Do you recall giving that answer to that question at
11 that time?

12 A No.

13 Q Okay.

14 MS. BROOK: And, Your Honor, defense counsel just
15 misread the transcript on that last question.

16 MR. MAYNARD: If I did, I apologize.

17 MS. BROOK: He said he did have somebody that funded
18 them.

19 MR. MAYNARD: Where would you like me to read?

20 THE COURT: You said he said that he did not have
21 somebody that would fund him. And it says that he said that
22 he did have somebody that would fund him.

23 MR. MAYNARD: Oh. I'm sorry.

24 BY MR. MAYNARD:

25 Q Your brother indicated he had somebody who would fund him?

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1 A Yes.

2 Q You have to say "yes" or "no."

3 A Yes.

4 Q And the FBI asked you who you thought that was, correct?

5 A Yes.

6 Q And you never mentioned Abdul Malik at that time, did you?

7 A No.

8 Q In fact, who you mentioned was a local Imam?

9 A Yes.

10 Q Okay. And, in fact, your brother wouldn't let you into
11 his apartment because you had a girlfriend; isn't that right?

12 A No. I was -- I was allowed in the apartment. My
13 girlfriend was not allowed.

14 Q Did you tell the FBI you weren't allowed in the apartment
15 because you had a girlfriend?

16 A No.

17 Q Let me show you that same transcript, page 66.

18 The FBI agent said:

19 Your brother said that?

20 Mr. Soofi: Yeah.

21 So it was just -- there were people, yeah, there were
22 other people like behind a lot of -- behind the scene stuff
23 that was going around. They kept me in the dark on it. But
24 my brother would come out and say once in a while because he
25 would get frustrated with me because of things I -- I wasn't

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1 allowed in his apartment because I had a girlfriend. And I
2 would have to -- you know, tell her that I can't be with you
3 and pray five times a day.

4 Do you recall making that statement to the agent that
5 day?

6 A Yes. I remember that one.

7 Q Mr. Soofi, weren't you trying to distance yourself from
8 your brother's and Mr. Simpson's actions on that day?

9 A Which day are you talking about?

10 Q On May 4th when the FBI is interviewing you.

11 A I'm sorry. I'm not completely sure what you're -- I'm
12 trying to just --

13 Q Certainly you're upset that your brother has died that
14 day.

15 A Yes.

16 Q Okay. But aren't you worried that the FBI is going to
17 look at you because you've been living there with them now for
18 14 months?

19 A I mean, yes, in the back of my head. I mean, there's
20 always, you know, guilty by association most of the time.

21 Q That's right.

22 A So.

23 Q And isn't it true that not one time in that interview did
24 you ever mention Mr. Abdul Malik as either coming to the
25 house, staying there, or anything else?

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1 A Not that I can remember from that interview, no.

2 Q Okay. Now, you then left the next day and went to Kansas
3 for your brother's funeral, correct?

4 A Yes.

5 Q And to be with your family; is that right?

6 A Yes.

7 Q And then the FBI met you at the airport and talked to you
8 then?

9 A Yes.

10 Q And then after you got to Kansas, I believe you told me
11 this morning that they met with you on at least three
12 occasions?

13 A Yes.

14 Q Correct?

15 Do you happen to remember the first time they met
16 with you, either what time or what day it was?

17 A It was a weekday around like 2:30 or so.

18 Q Do you remember if it was in the morning or the afternoon?

19 THE COURT: He said around 2:30 or so.

20 MR. MAYNARD: I'm sorry. I didn't hear him, Your
21 Honor. Thank you.

22 BY MR. MAYNARD:

23 Q The first time you met with the FBI in Kansas, did you
24 meet -- did they tell you they were going to tape that
25 conversation?

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1 A Yes. They had put a tape recorder in front of me.

2 Q All right. And there was a tape-recorded conversation
3 from May 22nd of 2015 in Kansas, but it was at 10:00 in the
4 morning. Does that --

5 A They -- they had me calling -- I was calling -- they had
6 me calling AK. They were recording conversations from phone
7 calls that was made. They were having me call various people.

8 Q I was going to get to that.

9 Did they have you start making these telephone
10 conversations that they were taping before or after this
11 meeting on May 22nd?

12 A After.

13 Q Okay. And then they asked you to call several people and
14 tape those conversations, correct?

15 A Yes.

16 Q One of them Abdul Malik, correct?

17 A Yes.

18 Q One of them was his nephew Saleem Sampson?

19 A Yes.

20 Q And then you made numerous phone calls over the course of
21 the next two months to AK Hyman?

22 A Yes.

23 Q Did you only make one phone call to Mr. Abdul Kareem?

24 A Yeah. Only one phone call was made.

25 Q Okay. And do you recall that in that phone call, Mr.

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1 Abdul Kareem asked you how you were?

2 A Yes. It was a normal conversation.

3 Q Normal conversation. He asked you when you would be
4 coming back?

5 A Yeah. Pretty much when I was going to come back, you
6 know.

7 Q He offered you a job?

8 A I had talked with him previously about working for his
9 company, that I could help him out.

10 Q In that telephone conversation he said if you come back I
11 can give you a job.

12 A Give me a job.

13 Q I'm about to go on Google.

14 A Yes.

15 Q I'm going to have a lot of work, correct?

16 Could use your help?

17 A Yes, because I'm a seasoned mover, so.

18 Q And he even offered -- he told you he had a three-bedroom
19 apartment?

20 MS. BROOK: Your Honor, I object to hearsay with any
21 further line of questioning on this.

22 BY MR. MAYNARD:

23 Q Did he offer you -- I'm sorry.

24 THE COURT: You apparently are going to ask a
25 different question.

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1 MR. MAYNARD: I was.

2 BY MR. MAYNARD:

3 Q Did he offer you a place to stay?

4 MS. BROOK: Objection. Hearsay.

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: Yes.

7 BY MR. MAYNARD:

8 Q And he had a three-bedroom apartment, correct?

9 A I'm not sure. I had never been to his residence.

10 Q Okay. You've never been to any of his residences at any
11 time?

12 A No.

13 Q And, in fact, where you lived was a one-bedroom apartment,
14 correct?

15 A Yes.

16 Q And you slept on one end of the couch, correct?

17 A Yes.

18 Q Mr. Simpson slept on the other end of the couch. It was
19 L-shaped?

20 A Yes.

21 Q And your brother slept on the bed?

22 A Yes.

23 Q Yeah. And his son Nathaniel, when he came over, he slept
24 with your brother?

25 A Yes.

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1 Q You described Abdul Malik as the big guy who had been shot
2 in the back.

3 Do you recall that?

4 A Yeah.

5 MS. BROOK: Objection to the form of the question.

6 THE COURT: Overruled. You may answer.

7 THE WITNESS: Yes.

8 BY MR. MAYNARD:

9 Q Okay. In fact, didn't you say at some point that you
10 would like to fight with him?

11 A I mean, I enjoy, you know, competition. I mean, it's not
12 something that I like, you know, I look to go look for people.

13 But it's -- you know, it's just been basic
14 competition. With what I train, it teaches you to use bigger
15 guys' strength against them, you know. So it's something to
16 further my training, so.

17 Q Sure. He's a fairly large man but you weren't afraid of
18 him because of your martial arts training, correct?

19 A In that aspect, yes.

20 Q In fact, you told the FBI that you would sort of like to
21 go at it with him?

22 A With any big guy, it's always fun, you know.

23 Q Do you recall in the May 22nd conversation the FBI asked
24 you whether or not anyone ever stayed over at your apartment?

25 A I'm not completely sure. I mean, I was asked --

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1 Q Do you recall that you told them "only on occasion"?

2 A I mean, there's -- I mean, a couple different times I
3 was --

4 Q Do you recall that you told them "only on occasion"?

5 A No. I don't recall that.

6 Q I'm going to start you on page -- this is a certified
7 transcript of the tape recording from -- that you had with the
8 interview with the FBI on May 22nd, 2015, in Kansas that
9 started at 10:00 a.m. I'm going to start you up a little bit
10 higher. It says:

11 So they didn't always agree with each other on
12 everything like that, so how long would AK stay in the
13 apartment? Did he ever spend -- like spend the night or
14 anything?

15 Answer: Well he stayed late. I mean, we would have
16 people sleep over.

17 Question: Okay.

18 Answer: But --

19 Question: It wasn't a regular thing?

20 Answer: No. It wasn't regular. There wasn't much
21 room. It was a one-bedroom apartment.

22 And I'm going to skip down to the question on line
23 22.

24 Did he ever spend the night? So if you said, hey, if
25 he ever spent the night, there was probably one occasion or

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1 either way, either -- you were saying that there is a
2 possibility --

3 And going to page 15.

4 -- that he spent the night?

5 Your answer was:

6 I mean I know that Malik, he spent the night
7 occasionally.

8 Question: Okay.

9 The answer was: But AK, I know he would be there
10 until late, but I never.

11 Question: Okay.

12 Answer: On weekends I would -- I would leave.

13 Do you recall giving that answer to that question?

14 A I guess, but it sounds different.

15 Q I'm sure it does. But you did not tell the FBI on May
16 22nd that Mr. Abdul Malik was spending the night at your
17 apartment for two or three nights a week for the last three
18 months that you were there?

19 A I mean, I had mentioned that --

20 MS. BROOK: Your Honor, misstates his testimony. He
21 said "occasionally."

22 THE COURT: He said that he came over that many times
23 a week. He didn't -- I don't think that he said that he spent
24 the night all of those times.

25 MR. MAYNARD: I think he did.

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1 THE COURT: So rephrase the question.

2 BY MR. MAYNARD:

3 Q I'll ask another question.

4 The FBI is asking you a lot of questions about AK,
5 correct?

6 A Yes.

7 Q And he's the one that you really called the most and you
8 were -- they were taping your conversations every time you
9 called him, correct?

10 A Yes.

11 Q Is that "yes"?

12 A Yes.

13 Q And when did you first meet AK?

14 A Probably around the same time I met Abdul Malik.

15 Q And did you meet him at the mosque or somewhere else?

16 A At the apartment.

17 Q Okay.

18 A Among others.

19 Q Do you recall telling the FBI in May 22nd that you didn't
20 meet him until after you had been living in the apartment for
21 seven months?

22 MS. BROOK: Objection to the form of the question.

23 THE COURT: Sustained.

24 BY MR. MAYNARD:

25 Q Did you tell the FBI you hadn't met him until you had been

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1 living in the apartment for seven months?

2 MS. BROOK: Same objection.

3 THE COURT: Sustained.

4 BY MR. MAYNARD:

5 Q Did you meet him --

6 Help me out here.

7 THE COURT: You never asked him when he met him.

8 MR. MAYNARD: I know.

9 THE COURT: So whether he told the FBI something
10 different is not appropriate until such time as he says
11 something different than what he told the FBI.

12 MR. MAYNARD: Thanks.

13 THE COURT: So, do you know approximately when you
14 first met AK at the apartment?

15 THE WITNESS: Not exactly a time frame.

16 BY MR. MAYNARD:

17 Q Do you think it was about seven months after you had moved
18 in?

19 A That might be a little long. It was probably -- I started
20 working -- the mosque -- I mean, it was probably a shorter
21 period than that. I think that's a little bit longer.

22 Q Did you tell the FBI it had been seven months after you
23 moved in?

24 A I don't really remember a time frame of what I said that
25 day.

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1 Q Did you ever go to AK's house?

2 A I had been there once to drop off groceries because we had
3 met him at the Walmart and he didn't have a vehicle to get
4 back and he had two big baskets full of groceries, so we gave
5 him a ride home.

6 Q Do you recall that at this interview on May 22nd in Kansas
7 that the FBI showed you pictures of different individuals for
8 you to identify?

9 A Yes.

10 Q And one of the people that they showed you a picture of
11 was Abdul Malik?

12 A Yes. He was one of the pictures.

13 Q And AK was in one of the pictures?

14 A Yes.

15 Q Okay. Now, after this interview took place on May 22nd of
16 2015, the FBI then asked you to make telephone calls to
17 several individuals, correct?

18 A Yes.

19 Q And they taped all of those calls?

20 A Yes.

21 MS. BROOK: Objection. Cumulative.

22 THE COURT: If you're transitioning back, but let's
23 not go back to what's already been asked.

24 MR. MAYNARD: I'm hoping not to.

25 BY MR. MAYNARD:

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1 Q And was your task to try to get them to say something that
2 would make them guilty of a crime?

3 MS. BROOK: Objection to the form of the question.

4 THE COURT: Sustained.

5 Rephrase the question, Mr. Maynard.

6 BY MR. MAYNARD:

7 Q What did you understand -- why was the FBI taping them?
8 What did you understand --

9 THE COURT: Did the FBI tell you what they wanted you
10 to say or accomplish in the taped phone calls?

11 MR. MAYNARD: Better question than any of mine.

12 THE WITNESS: No.

13 BY MR. MAYNARD:

14 Q Did you tape some of the telephone calls while you were in
15 Texas?

16 A Yes. There was, I think, one phone call that was taped
17 while I was visiting my mom.

18 Q In the telephone calls that you had with Mr. Abdul Malik,
19 did you tell him that you told the FBI that he had been there
20 a handful of times?

21 MS. BROOK: Objection. Misstates testimony.

22 THE COURT: So you're asking him about whether he
23 told Mr. Kareem something about what he told the FBI?

24 MR. MAYNARD: No, ma'am. I'll rephrase.

25 THE COURT: That's what the question says.

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1 MR. MAYNARD: Must have been a bad question.

2 BY MR. MAYNARD:

3 Q You had a telephone call -- you had a number of telephone
4 calls with AK, correct?

5 A Yes.

6 Q And one of those calls do you recall telling him that you
7 had told the FBI that AK and Malik had been at your apartment
8 a handful of times?

9 MS. BROOK: Objection. Hearsay.

10 THE COURT: Overruled. You may answer if you recall
11 whether you said that or not.

12 THE WITNESS: I don't remember that, no.

13 BY MR. MAYNARD:

14 Q I'm going to show you a certified transcript of a
15 telephone conversation between Ali Soofi and Abdul Khabir
16 Hyman from July 8, 2015. On page 23 you see where you stated,
17 beginning on line 19:

18 Well, I had -- you know, I had -- I had -- I had --
19 you know, I had to say that, you know, you guys were there a
20 handful of times, but, you know -- but the videos were always
21 playing, so I mean that's --

22 Do you recall that you made that comment to him then?

23 A It doesn't look familiar.

24 Q You don't deny that it was stated though, do you?

25 A I mean, it's hard to remember everything from way back

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1 till now with those small little details, especially with all
2 the questioning, I guess.

3 Q Did the FBI grill you about watching the ISIS videos?

4 A No.

5 Q Do you remember telling Abdul Khabir Hyman that they
6 grilled you about watching the ISIS videos?

7 MS. BROOK: Objection. Hearsay.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: No. I don't remember that.

10 MR. MAYNARD: Let me show you the transcript from
11 July 8, 2015, page 19.

12 You said:

13 Well, I mean -- I mean, the biggest thing, I mean,
14 that they really grilled me about, you know, the ISIS videos.
15 They -- they said that -- you know, the computer evidence, you
16 know, that they had, and all the terrorist videos, videos that
17 were being -- that were being played, you know, on the
18 computer at that time and they basically, you know, asked if I
19 had watched any of the videos or, you know, they wanted to
20 know if anybody that I had showed up as a visitor had seen
21 them when I was visiting, but I don't know, you know, why they
22 were making such a big deal about all of us watching the
23 videos.

24 Do you remember stating that to Mr. Abdul Hyman?

25 A No. I don't remember that, especially about the videos.

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1 Q Now, at some point you learned -- strike that.

2 At some point did you learn that Abdul Kareem had
3 been arrested?

4 A I was informed by the FBI, yes.

5 Q And how many times did you meet with the FBI all together?

6 You've told me, I believe, three times in Kansas,
7 twice in Phoenix, once on the 4th of May, once on the 5th at
8 the airport.

9 A Yes.

10 Q Any other times that you recall meeting with the FBI?

11 A No. Those are the only times; the twice here and then the
12 times they came to my parents' house in Kansas.

13 Q And we've seen a transcript from May 22nd.

14 Do you recall the other times that they met with you
15 in Kansas?

16 THE COURT: Are you asking him about the dates?

17 MR. MAYNARD: Yes, ma'am.

18 THE WITNESS: We met at my lawyer's office and at my
19 parents' house. I mean, that's --

20 BY MR. MAYNARD:

21 Q Okay. When was it that you met at your lawyer's office
22 with the FBI?

23 A That's when I had done the phone conversation, the longer
24 phone conversation with AK. That was --

25 Q So while that was being taped, you were sitting in your

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1 lawyer's office having that conversation?

2 A Yes.

3 Q Okay. And when was the other time that you met with the
4 FBI in Kansas?

5 A It was at my dad's house.

6 Q What was the time, if you recall, the month?

7 A This wasn't too long after I was there. It was July or
8 August time, I believe. I'm not quite sure on the dates of
9 every time we met.

10 Q Do you recall meeting on June 4th of 2015?

11 A The 4th of July?

12 No. I can't honestly remember specifics on the
13 dates.

14 Q Did agents show you photographs of the weapons at one
15 meeting?

16 A Yes.

17 Q Was that in Kansas?

18 A Yes.

19 Q Did you ever come back to Phoenix after you left for your
20 brother's funeral other than this trip?

21 A No.

22 Q Okay. Do you recall being interviewed by agents of the
23 FBI telephonically on September 25th of 2015?

24 A No. I don't remember.

25 Q Do you remember that it was Agent Whitson and AUSA Kristen

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1 Brook that interviewed you?

2 A On a phone conversation? Or there was a two-way, the
3 video conversation.

4 Q Video conference?

5 A Yes. Video conference.

6 Q Okay. You recall that then?

7 A Yes.

8 Q Okay. Do you recall whether or not that was taped?

9 A Yes, it was.

10 Q Were you shown photographs at that telephone conference?

11 A No. I don't think on that occasion.

12 I'm sorry. I can't really remember if --

13 Q Do you remember another time that you were interviewed by
14 the agents -- AUSA Brook and Agent Whitson on January 29th of
15 2016 at your mother's house in Texas?

16 A Yes.

17 Q Was that interview taped?

18 A Yes. I'm pretty sure it was.

19 I'm sorry. My memory with that is --

20 MR. MAYNARD: Just a moment, Your Honor.

21 I don't have any further questions.

22 THE COURT: Thank you.

23 Ms. Brook.

24 MS. BROOK: Thank you, Your Honor.

25 **REDIRECT EXAMINATION**

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1 BY MS. BROOK:

2 Q Defense counsel asked you a handful of questions about
3 some recorded conversations that you did with AK over the
4 summer, last summer?

5 A Yes.

6 Q And, first of all, for any of the recorded calls or any of
7 the communications that you had with the FBI, did anybody pay
8 you or compensate you?

9 A No.

10 Q Did anybody promise you or give you any benefit for doing
11 those recorded calls or anything that you have said?

12 A No.

13 Q And in those recorded calls with AK, were those done at
14 the direction of an FBI agent?

15 A I'm sorry. Do you mean were they giving me the --
16 coaching me or --

17 THE COURT: No. Did they ask you to make the call?

18 THE WITNESS: Yes.

19 BY MS. BROOK:

20 Q And defense counsel showed you some of the things that you
21 said to AK on those calls. In particular, he asked you about
22 one statement that you made to AK where you said:

23 I had to tell them that you were at the house a few
24 times watching the ISIS videos.

25 A Yeah. Yes.

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1 Q Were those statements that you made to him for a reason?

2 A Yes.

3 Q And what reason was that?

4 MR. MAYNARD: Objection to the form of the question.
5 Lack of foundation.

6 THE COURT: Overruled. You may answer.

7 I assume he's going to tell us the reason he had.

8 THE WITNESS: It was basically to bring out -- try to
9 bring out any additional information that was being withheld.
10 BY MS. BROOK:

11 Q So to try to encourage him to talk on the phone?

12 A Try to get him into that comfort zone where he would be
13 able to, you know, come out with anything that hasn't been
14 said already between us.

15 Q As you've testified here today, was AK at that apartment
16 more than just a couple of times?

17 A Yes.

18 Q And Malik, as you have testified here today, was he at the
19 apartment as frequently as you have testified he was?

20 A Yes.

21 Q Defense counsel asked you about how often it was that
22 Malik would sleep over at that apartment on 19th Avenue.

23 Every week was it the same amount of nights that he
24 would sleep over?

25 A It would vary. I mean, there were times it would be -- he

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1 would sleep over. And then it would be, you know, a couple
2 days would go by and then he would come by again and stay the
3 night. So it was off and on throughout the week.

4 Q So although the number or the times every week would vary,
5 was he consistently over at the house with Ibrahim and your
6 brother throughout the time that you lived with them for those
7 14 months?

8 A I mean, yes. All three of them were together, but the
9 majority of the time Ibrahim and Abdul Malik would be
10 together.

11 Q And that's at the apartment?

12 A At the apartment or, you know, when they would leave they
13 would mainly be together.

14 Q After you moved out, so that first week of April, you have
15 testified that you came back to the apartment a few times and
16 that you were back there with your brother.

17 During those times was Malik there?

18 A Yes.

19 Q Defense counsel asked you about the specific month when
20 you first saw Nadir, your brother, come home with Malik with
21 that new AK that you identified here?

22 A Yes.

23 Q Are you certain of exactly what month it was?

24 A I only know it's a time frame of about four months before
25 the incident happened.

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1 Q So four months before May 3rd?

2 A Yes.

3 Q When you watched Malik and Ibrahim and your brother
4 disassemble, clean, and reassemble those weapons that we've
5 talked about here today, did you learn about the process by
6 watching?

7 A I mean, the in and out, the little bit that I would watch
8 because I was cooking my food, you know, I picked up bits and
9 pieces.

10 No. I have never, you know, really dealt with
11 weapons. So for me to know, you know, that leaving grease on
12 components -- I mean, because usually if I clean something,
13 I'm going to clean it down to the chrome to get it shining.
14 But, I mean, that's certain things you would have to know, you
15 know, if you've dealt with weapons.

16 Q From what you watched, did Simpson and your brother know
17 how to do that? Know how to disassemble, clean, and
18 reassemble those weapons?

19 MR. MAYNARD: Objection. Beyond the scope.

20 THE COURT: Sustained.

21 BY MS. BROOK:

22 Q You mentioned that you learned as you were watching.

23 Who did you learn from?

24 MR. MAYNARD: Objection. It's beyond the scope.

25 THE COURT: Overruled.

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1 THE WITNESS: I'm sorry. Could you repeat it one
2 more time?

3 BY MS. BROOK:

4 Q You mentioned that you learned how to disassemble and how
5 to leave the grease and how to reassemble the weapons by
6 watching.

7 Who did you learn from as you watched.

8 A I mean, I was watching everybody in general, but I mean, I
9 think the main person they looked up to, I mean, was Abdul
10 Malik.

11 Q What do you mean by that in the context of this particular
12 process of disassembling, cleaning, and reassembling the
13 weapons.

14 A Knowledge. I mean, knowledge-wise.

15 Q Who had the knowledge?

16 A Malik would have to. I mean, there was -- I mean, nobody
17 there knew anything about weapons, I mean, other than shooting
18 them.

19 Q So by that, who do you mean didn't know about weapons that
20 was in that room that day?

21 MR. MAYNARD: Objection. Asked and answered.

22 THE COURT: Overruled. You may answer.

23 THE WITNESS: My brother Nadir and Ibrahim.

24 BY MS. BROOK:

25 Q How did you learn to leave the grease? Not clean it

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1 totally clean but to leave the grease?

2 MR. MAYNARD: Objection. It's beyond the scope.

3 THE COURT: Sustained.

4 BY MR. MAYNARD:

5 Q Defense counsel asked you about those months before you
6 moved in with your girlfriend about the nights during which
7 you would spend the night over at your girlfriend's house.

8 Generally speaking, weekday nights would you stay at
9 the apartment with your brother and Ibrahim at that apartment?

10 A Yes.

11 Q And how do you recall that?

12 A Do you mean recall the general -- like the feeling of that
13 or --

14 Q Was there a reason -- is there a reason why you know that
15 on those weekday nights you would stay at the apartment and
16 not be at your girlfriends house?

17 A I'm sorry.

18 Q It's a bad question. That's okay.

19 So you had said that on weekend nights you would stay
20 over at your girlfriend's house?

21 A Yes.

22 Q Was there a reason why on weekend nights you would stay at
23 her house?

24 A Mostly, just because of the general feeling of that
25 apartment on the weekends because they would stay home all

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1 day. And, I mean, it was constant talk about and I'd be
2 constantly pushed into the whole religion thing.

3 I would start talking about something else and they
4 would push right back into religion. It was constant
5 religion.

6 Q And who is "they"?

7 A My brother and Ibrahim.

8 Q Was Malik there?

9 A You mean in different instances or that specific time?

10 Q Sometimes?

11 A Yea. Some of the times he was there.

12 Q And that was during the time that they were trying to
13 convert you to make you believe what they believed?

14 A I mean, it was a daily thing, you know.

15 Q When you moved out of the house in the beginning of April,
16 was your brother the only person in the house who was mad at
17 you for moving in with your girlfriend?

18 MR. MAYNARD: Objection. It's beyond the scope.

19 THE COURT: Overruled. You may answer.

20 THE WITNESS: I know that Ibrahim -- like this was
21 the biggest one who had the problem because he was the
22 majority of the time with my brother. He had a very strong
23 hold on him.

24 So every time I would leave, especially leave my
25 brother with Ibrahim, I would come back and, you know, that's

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1 when I would really get it.

2 I mean, he would stop me at the door pretty much and
3 say, well, you know, what have you been doing? You know, if
4 you have been doing this, this, this, this, I don't want you
5 in the apartment because this is my sanctuary. By you coming
6 into my sanctuary you're tainting it with your, you know, what
7 you have been doing.

8 Q Did Malik get mad at you for moving in with your
9 girlfriend?

10 A I wouldn't say "mad," but all three of them in general
11 were almost like in disgust about what I was doing. I mean,
12 in general, I got a general feeling from everybody and from
13 what they said that, you know, you're supposed to be Muslim.
14 You're supposed to be praying five times a day, not going
15 around, messing around with females and doing things against
16 the religion.

17 And that, you know, you're basically considered a
18 kafir. You're a nonbeliever. I mean, even my own brother
19 said that, you know, people like me should be killed.

20 Q You testified about how Nadir told you that Malik had
21 loaned him the money to buy that AK that we have been talking
22 about here today?

23 MR. MAYNARD: Objection to the form of the question.

24 THE COURT: I haven't heard the question yet. I
25 think it's a transitional statement.

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1 MR. MAYNARD: Objection to that.

2 THE COURT: Go ahead, Ms. Brook.

3 BY MS. BROOK:

4 Q Did your brother and Ibrahim borrow money from Malik on
5 other occasions?

6 MR. MAYNARD: Beyond the scope.

7 THE COURT: Sustained.

8 MS. BROOK: He questioned him specifically about
9 money, borrowing money.

10 THE COURT: I'm trying to recall.

11 Other than in relation to the purchase of the weapon?

12 MS. BROOK: About when he was -- yes.

13 MR. MAYNARD: No, I didn't.

14 THE COURT: Okay. I only recall it in connection
15 with the purchase of the weapon.

16 Sustained.

17 BY MS. BROOK:

18 Q Defense counsel asked you a lot of questions about the
19 information that you initially provided the FBI in May when
20 you talked to them after you found out that your brother was
21 killed.

22 You have testified that you were afraid. What were
23 you afraid of?

24 A Basically, my thoughts were, you know, the people involved
25 are coming for me next. As far as my brother was involved,

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1 they would expect, I guess, the same from me.

2 And then also in the same sense, I mean, I have
3 little kids and a family -- or I did have a wife -- but, I
4 mean, you know, everybody's safety in general. I mean, it
5 just came to my head, okay, well now, what my brother has done
6 is going to do a lot to our family. So in general I was, you
7 know, scared for just the general safety of myself and
8 everybody else.

9 Q Were you afraid of Malik?

10 A Not afraid of him as a person, but in the -- you know,
11 what could have been done or could have happened, I mean,
12 if --

13 Q Did that play into why initially you didn't tell the FBI
14 about Malik?

15 MR. MAYNARD: Objection to the form of the question.

16 THE COURT: Sustained.

17 BY MS. BROOK:

18 Q Did that affect what you told the FBI?

19 MR. MAYNARD: Objection.

20 THE COURT: Sustained.

21 BY MS. BROOK:

22 Q Did you hold back information because of your fear of
23 people that Malik was associated with?

24 MR. MAYNARD: Objection. It's leading.

25 THE COURT: Overruled. You may answer "yes" or "no."

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1 THE WITNESS: Yes.

2 MS. BROOK: May I have a moment?

3 THE COURT: Yes.

4 BY MS. BROOK:

5 Q You have testified about your martial arts training. And
6 even with the training that you have, would that training in
7 every situation, protect you from an armed attack?

8 A With my -- the extent of my training comes to close
9 combat. I would have to be close quarters. Anybody with --
10 it's not going to come in handy if somebody is too far away
11 from you. It's not going to come into play at all.

12 MS. BROOK: I don't have any other questions.

13 THE COURT: May Mr. Soofi be excused?

14 MS. BROOK: Yes.

15 THE COURT: Is there any objection?

16 MR. MAYNARD: No.

17 THE COURT: Mr. Soofi, thank you. You may step down
18 and you are excused as a witness.

19 THE WITNESS: All right.

20 (End of Excerpt of Proceedings.)

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 7th day of March, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE